

# United States Department of Agriculture

Friday  
October 8, 1982

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## Selected Subjects

### **Administrative Practice and Procedure**

Agricultural Marketing Service

### **Food Ingredients**

Food and Drug Administration

### **Food Stamps**

Food and Nutrition Service

### **Government Procurement**

Indian Affairs Bureau

### **Loan Programs—Agriculture**

Commodity Credit Corporation

### **Marketing Agreements**

Agricultural Marketing Service

### **Organization and Functions (Government Agencies)**

Animal and Plant Health Inspection Service

### **Pesticides and Pests**

Environmental Protection Agency

### **Postal Service**

Postal Service

### **Travel and Transportation Expenses**

General Services Administration

### **Water Pollution Control**

Environmental Protection Agency

### **Water Resources**

Engineers Corps





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# Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 371

[APHIS Doc. No. 82-418]

#### Organization, Functions, and Delegations of Authority

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This document revises the statement of organization, functions and delegations of authority of the Animal and Plant Health Inspection Service to establish a Regulatory Coordination Staff within the Office of the Administrator and to reflect certain other general organizational changes within Veterinary Services and Plant Protection and Quarantine Programs.

**EFFECTIVE DATE:** October 8, 1982.

**FOR FURTHER INFORMATION CONTACT:** John C. Frey, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782 (301-436-6466).

**SUPPLEMENTARY INFORMATION:** The statement of organization, functions and delegations of authority of the Animal and Plant Health Inspection Service (APHIS) is being amended to reflect the establishment of a newly formed Regulatory Coordination Staff under the direction of the Administrator. This staff will have agencywide responsibility for the promulgation of agency regulations, conduct of hearings in administrative enforcement proceedings and allied advisory activities. In addition, certain functional realignments are being made in Plant Protection and Quarantine programs whereby National Programs will hereafter be known as National and Emergency Programs, and International

and Emergency Programs will be known as International Programs due to the transfer of emergency plant pest control and eradication activities directly to the National Programs staff. Responsibility for leadership for the welfare and humane treatment of certain animals is now placed with the Animal Health Programs instead of under a unit of the National Program Planning Staff as previously aligned.

This rule relates to internal agency management and, therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the *Federal Register*. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined by Pub. L. 96-354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

#### List of Subjects in 7 CFR Part 371

Organization and functions  
(Government agencies).

#### PART 371 [AMENDED]

Accordingly, 7 CFR Part 371 is amended as follows:

1. The authority citation for Part 371 reads as follows:

Authority: 5 U.S.C. 301.

2. Section 371.1 is amended by revising (b) to read as follows:

#### § 371.1 General Statement.

(b) *Central Office.* The central offices of APHIS are located at Washington, D.C., and Hyattsville, Maryland, and consist of the Office of the Administrator, Associate Administrator, and three Deputy Administrators as follows:

Office of the Administrator  
Regulatory Coordination Staff  
Information Division  
Associate Administrator  
Deputy Administrator, Plant Protection and Quarantine  
Deputy Administrator, Veterinary Services  
Deputy Administrator for Management

3. Section 371.2 is amended by adding a new paragraph (f) to read as follows:

#### § 371.2 The Office of the Administrator.

(f) *Regulatory Coordination Staff.* The Regulatory Coordination Staff, under the direction and supervision of the Administrator, is responsible for:

(1) Advising Administrator and other key officials on matters pertaining to APHIS regulatory policy, including matters relating to *Federal Register* documents and enforcement activities.

(2) Developing and drafting proposed/ final regulations and other documents for publication in the *Federal Register* (dockets). Reviewing dockets for adequacy, clarity and compliance with APHIS program policies, USDA policies, and applicable laws and regulations.

(3) Coordinating as appropriate, intra- and inter-agency review of *Federal Register* dockets. Establishing and maintaining an agencywide clearance and control system for *Federal Register* documents, and related documents.

(4) Maintaining systems for monitoring existing regulations to determine their need, enforceability and burdens, consistent with Departmental policies and statutory requirements.

(5) Maintaining the official administrative record for APHIS *Federal Register* documents.

(6) Serving as focal point for analysis of agency and public comments on existing and proposed APHIS rules.

(7) Conducting public hearing concerning proposed APHIS regulatory actions.

(8) Maintaining liaison with the Office of the General Counsel and with other government agencies, including the *Federal Register*, Office of Management and Budget, Small Business Administration, and the Department of the Interior, concerning APHIS *Federal Register* documents.

(9) Providing advice to agency personnel in the preparation of various materials for agency or public distribution concerning APHIS *Federal Register* documents, such as press releases, economic analyses, regulatory impact statements, and replies to public inquiries.

(10) Conducting hearings in administrative enforcement proceedings assigned to be conducted by APHIS.

4. Section 371.3 is amended by revising the introductory paragraph and paragraph (c), by adding a new



paragraph (c)(5), and by revising paragraph (d) to read as follows:

### § 371.3 Plant Protection and Quarantine.

The units of the National Program Planning Staff, the Professional Development Staff, National and Emergency Programs, and International Programs, under administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator for Plant Protection and Quarantine are responsible as follows:

(c) *National and Emergency Programs.* National and Emergency Programs are responsible as follows:

(5) Coordinating and directing all emergency actions against new pest outbreaks, mobilizing and utilizing existing PPQ line and staff resources.

(d) *International Programs.* International Programs are responsible as follows:

(1) Participating with the Deputy Administrator, in the overall planning and formulation of all policies, programs, and activities of PPQ.

(2) Providing leadership and direction in planning, developing, budgeting, staffing, and implementing the programs through three Regional Directors for all phases of foreign (off shore) program activities in PPQ.

(3) Keeping Department and other U.S. agencies currently informed of pest and pathogen development in foreign areas, including outbreaks and epidemics, recent advances in control methodology, and other newly developed information on plant pests.

(4) Providing scientific and technical expertise to U.S. agencies and foreign plant protection organizations or their agencies which wish to expedite the movement of agricultural exports and imports through improved phytosanitary practices.

(5) Providing liaison and participating with U.S. agencies, specifically FAS and State (AID) and National governments and nongovernment organizations, such as FAO, in foreign countries on plant protection and quarantine matters.

(6) Coordinating assignments of PPQ personnel to meet overseas technical needs, coordinating foreign research and methods development, and providing for USDA (PPQ) representation internationally.

5. Section 371.4 is amended by removing and reserving paragraph (e)(6), and by revising paragraphs (e) (2) and (5) to read as follows:

### § 371.4 Veterinary Services.

(e) *Animal Health Programs.* \* \* \*

(2) Planning and providing leadership and coordination of Veterinary Services programs and activities within the five regions to protect the health of livestock, poultry, and other valued animal life through the detection, control and/or eradication of animal diseases and parasites; providing program leadership for the welfare and humane treatment of certain animals; directing the enforcement of quarantines governing the importation and exportation of live animals, semen, eggs and other live animal tissues and specimens; and the inspection, investigation, and enforcement of the production, testing and marketing of veterinary biologics by licensed establishments.

(5) Cooperating with other Federal agencies including the Department of Defense, State agencies, and private agencies, in developing the knowledge necessary to successfully cope with exotic diseases and pests which may constitute a threat to the U.S. livestock and poultry industries.

(6) [Reserved]

Issued at Washington, D.C., this 4th day of October 1982.

Harry C. Mussman,  
Administrator, Animal and Plant Health  
Inspection Service.

[FR Doc. 82-27809 Filed 10-7-82; 8:45 am]

BILLING CODE 3410-34-M

### Agricultural Marketing Service

#### 7 CFR Part 905

[Orange, Grapefruit, Tangerine and Tangelo  
Reg. 6, Amdt. 12]

#### Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Amendment of Tangerine Size Requirements

AGENCY: Agricultural Marketing Service,  
USDA.

ACTION: Final rule.

SUMMARY: This regulation continues the minimum size requirement of 2½ inches in diameter, applicable to fresh shipments of Dancy variety tangerines. Such action is necessary to promote orderly marketing of suitable sizes of tangerines.

DATE: Effective on and after October 18, 1982.

FOR FURTHER INFORMATION CONTACT:  
William J. Doyle, Acting Chief, Fruit

Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447-5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the Florida Dancy tangerine crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

An interim rule was published in the Federal Register (47 FR 34351) on August 9, 1982, which specified the minimum size requirement applicable to fresh shipments of Dancy variety tangerines. That rule provided an opportunity to file comments through September 8, 1982. No comments were received. This final rule contains the same requirements as specified in the interim rule. The rule is effective on and after October 18, 1982.

This regulation is issued under the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation and information submitted by the Citrus Administrative Committee, and upon other available information. It is hereby found that the regulation of Florida Dancy tangerines, as hereinafter provided, will tend to effectuate the declared policy of the Act.

This amendment continues limitations on the handling of Dancy tangerines by permitting each handler, on and after October 18, 1982, to ship 176 size (2½ inches) or larger Dancy tangerines. The committee indicates that the anticipated size composition of the crop of Dancy tangerines will be such that more than ample supplies of the more desirable larger sizes will be available to satisfy the demand in regulated channels. The committee reports that when more than ample supplies of larger sizes are available for shipment, disposition of the sizes eliminated by this regulation can be accomplished only at a substantial price discount and this tends to depress the market for all sizes. Dancy tangerines failing to meet the prescribed size requirements may be left on the trees to attain further growth or utilized in processing. In these circumstances, elimination of sizes smaller than those specified is



appropriate in the interest of producers and consumers.

It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this final rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that (1) an interim rule was published in the **Federal Register** (47 FR 34351) and no comments were received during the period provided; (2) the requirements of this final rule are the same as those currently in effect; (3) Florida citrus handlers have been apprised of these requirements for Dancy tangerines and the effective date; and (4) these requirements will not require any additional preparation by handlers which cannot be effective by the date hereof.

#### List of Subjects in 7 CFR Part 905

Marketing agreements and orders, Florida, Grapefruit, Oranges, Tangelos, Tangerines.

#### PART 905 [AMENDED]

Accordingly, the provisions of § 905.306 (Orange, Grapefruit, Tangerine and Tangelo Regulation 6 (46 FR 60170; 60411; 61441; 47 FR 589; 5192; 5699; 6248; 7203; 10065; 21755; 25935; 34351) are amended by revising Table I paragraph (a) to read as follows.

#### § 905.306 Orange, Grapefruit, Tangerine, and Tangelo Regulation 6.

(a) \* \* \*

TABLE I

(1) Variety	(2) Regulation period	(3) Minimum grade	(4) Minimum diameter (inch.)
Tangerines:			
Dancy .....	On and after 10/18/82.	U.S. No. 1 .....	2-6/16

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 5, 1982.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable  
Division, Agricultural Marketing Service.

[FR Doc 82-27753 Filed 10-7-82; 8:45 am]

BILLING CODE 3410-02-M

#### 7 CFR Part 910

[Lemon Reg. 380; Lemon Reg. 379, Amdt. 1]

#### Lemons Grown in California and Arizona; Limitation of Handling

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period October 10-16, 1982, and increases the quantity of lemons that may be shipped during the period October 3-9, 1982. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

**EFFECTIVE DATES:** The regulation becomes effective October 10, 1982, and the amendment is effective for the period October 3-9, 1982.

**FOR FURTHER INFORMATION CONTACT:** William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

**SUPPLEMENTARY INFORMATION:** This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981-82. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on

October 5, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is moderate.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

#### List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

#### PART 910 [AMENDED]

1. Section 910.680 is added as follows:

#### § 910.680 Lemon Regulation 380.

The quantity of lemons grown in California and Arizona which may be handled during the period October 10, 1982, through October 16, 1982, is established at 220,437 cartons.

2. Section 910.679 Lemon Regulation 379 (47 FR 43662) is revised to read as follows:

#### § 910.679 Lemon Regulation 379.

The quantity of lemons grown in California and Arizona which may be handled during the period October 3, 1982, through October 9, 1982, is established at 240,535 cartons. (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 6, 1982.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable  
Division, Agricultural Marketing Service.

[FR Doc. 82-28070 Filed 10-7-82; 11:39 am]

BILLING CODE 3410-02-M



**Commodity Credit Corporation****7 CFR Part 1421****CCC Grain Price Support Regulations Governing the Grain Reserve Program for 1982 and Subsequent Crops and Alternative Program for 1981 and Prior Crops****AGENCY:** Commodity Credit Corporation, USDA.**ACTION:** Interim Rule Amendments and Extension of Comment Period.

**SUMMARY:** On August 16, 1982, an interim rule was published in the *Federal Register* (47 FR 35493) which amended the Grain Price Support Regulations Governing the Wheat and Feed Grain Reserve Program for 1961 and Subsequent Crops and Alternative Program for 1980 and Prior Crops found at 7 CFR Part 1421. Public comment on the interim rule was requested until October 15, 1982. However, it has been determined that an amendment should be made to that interim rule with respect to the provisions governing the replacement of grain which is serving as collateral for an extended grain reserve loan. This document sets forth that amendment to the regulations and extends the comment period on the interim rule to December 7, 1982 so that the public may comment on the additional proposed change.

**EFFECTIVE DATE:** October 8, 1982. Comments must be received by December 7, 1982, in order to be assured of consideration.

**ADDRESS:** Director, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service (ASCS), U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

**FOR FURTHER INFORMATION CONTACT:** Steve P. Gill, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. Phone: (202) 447-8480.

**SUPPLEMENTARY INFORMATION:** This extended interim rule has been reviewed under USDA procedures for implementing Executive Order 12291 and in compliance with Secretary's Memorandum 1512-1. This rule has been classified "not major." It has been determined that this action will not result in: (1) An annual effects on the economy of \$100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the

ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this extended interim rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a Notice of Proposed Rulemaking with respect to the subject matter of this rule.

The title and number of the federal assistance program that this extended interim rule applies to are: Grain Reserve Program, Number 10.067 as found in the Catalog of Federal Domestic Assistance.

**Summary of Interim Rule**

An interim rule, which was published in the *Federal Register* on August 16, 1982 (47 FR 35493), announced the terms and conditions which are applicable to the Grain Reserve Program for the 1982 and subsequent crops of wheat, barley, corn, oats, and sorghum, as well as the crops of such commodities for prior crop years if entry into the program for such commodity is authorized by the Secretary of Agriculture.

The interim rule provides that in order to encourage the orderly marketing of wheat or feed grains, the Secretary may authorize producers to participate in a Grain Reserve Program for a specified crop of wheat or feed grains prior to maturity of their regular price support loans on such crop.

The interim rule permits producers to participate in the Grain Reserve Program whenever the reserve program for a specified commodity is available. Producers will be permitted to place an eligible commodity into the reserve only when the national average market price for such commodity is below the trigger release level for the commodity. Entry of an eligible commodity into the reserve will not be permitted when the national average market price for that commodity has reached or exceeds the trigger release level for the commodity.

Other terms and conditions set forth by the interim rule provide that: (1) Each grain reserve loan shall bear interest during the first year at the rate applicable to the Note and Security Agreement signed by the producer and at such subsequent interest rates as may be determined and announced by the Secretary; (2) the trigger release level for wheat shall be \$4.65 per bushel; barley, \$2.65 per bushel; corn, \$3.25 per bushel; oats, \$1.65 per bushel; and sorghum, \$5.54 per hundredweight; (3) if grain serving as collateral for a grain reserve loan is redeemed by a producer prior to an announcement by CCC that the trigger release level for the commodity

has been reached (unless emergency release has been authorized), the producer is required to repay the loan principal, interest, liquidated damages at a rate equal to 50 percent of the interest applicable to CCC price support loans at the time of redemption, and all previously received storage payments for the period during which liquidated damages are assessed; and (4) if a commodity served as collateral for a grain reserve loan which was terminated as a result of a call, such commodity will not be eligible for entry into the Grain Reserve Program.

Comments with respect to this interim rule were requested until October 15, 1982. The comment period, however, is being extended until December 7, 1982 to allow the public an opportunity to comment on the additional change in the regulations which is being made by this extended interim rule. The regulations appearing at 7 CFR 1421.752(d) of the interim rule which govern the Grain Reserve Program now provide that producers may be authorized to move farm-stored grain in the Grain Reserve Program for delivery to a buyer for sale or for livestock feed thirty days before the producer intended to have replacement stocks in place under certain conditions. The original purpose of this provision was to permit producers to rotate the grain to maintain the quality of the reserve grain. It has become increasingly evident, however, that this provision has been used for marketing purposes rather than for the purpose of maintaining the quality of the grain. The use of the provision for marketing purposes tends to defeat the purpose of the Grain Reserve Program since grain is made available to the market during the period just before harvest. The amendment made by this extended interim rule eliminates the use of rotation for marketing purposes. Effective beginning on or after October 8, 1982, producers who enter into new grain reserve agreements by placing corn or sorghum in the reserve will be permitted to replace such corn or sorghum, if it is going out of condition, at any time during the year rather than just before harvest. However, the corn or sorghum must be replaced with an equal quantity and quality of corn or sorghum within 15 days after such reserve grain is removed from the reserve. Also, unlike the provisions of the interim rule which require that corn or sorghum which is rotated into the reserve must be from grain which is from the producer's own production, this extended interim rule would permit a producer who has entered into a new agreement to rotate



into the reserve, replacement corn or sorghum which has been purchased.

In addition to the foregoing change in the regulations, the title of § 1421.752 is corrected by amending the words "Commingling and replacement of feed grains." to read "Commingling and replacement of grain."

#### List of Subjects in 7 CFR Part 1421

Grains, Loan programs/agriculture, Price support programs, Warehouses.

#### Extended Interim Rule

### PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Accordingly, the regulations at 7 CFR 1421.752, are hereby amended as follows:

1. The title of § 1421.752 is revised to read as follows:

#### § 1421.752 Commingling and replacement of grain.

2. Section 1421.752 (d) is revised to read as follows:

#### § 1421.752 Commingling and replacement of grain.

(d) *Release for sale or livestock feed.*  
(1) Except as provided in paragraph (2) of this subsection, a producer shall be permitted to move farm-stored grain in the Grain Reserve Program for delivery to a buyer for sale or for livestock feed thirty days before the producer intends to have replacement stocks in place if, prior to the movement of the grain, the following conditions are met: (i) A written request to do so is filed in the county ASCS office; (ii) approval of the county ASCS Committee is granted in writing; (iii) the county ASCS office inspects and measures the grain, at the producer's expense, prior to removal; (iv) the grain released for livestock feed will be fed to the producer's own livestock; and (v) an inspection of the unharvested grain, which is made at the producer's expense, indicates that there will be sufficient eligible unencumbered production of equal or better quality to replace the grain in the Grain Reserve Program.

(2) A producer who places farm-stored corn or sorghum into the Grain Reserve Program by entering into a new grain reserve agreement on or after October 8, 1982 shall be permitted to remove such corn or sorghum from the reserve if it is in danger of going out of condition and if prior to removal a written request to do so is filed in the county ASCS office; approval of the county ASCS committee is granted in writing; and the county ASCS office inspects and measures the grain at the producer's expense. Any

corn or sorghum which is removed from the Grain Reserve Program must be replaced within 15 days by an equal quantity and quality of corn or sorghum which (i) the producer has on hand; (ii) is purchased by the producer; or (iii) is from the producer's new crop.

Signed at Washington, D.C., on October 4, 1982.

John R. Block,  
Secretary.

[FR Doc. 82-27719 Filed 10-7-82; 8:45 am]

BILLING CODE 3410-05-M

### 7 CFR Part 1464

#### Tobacco Loan Program

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Interim rule.

**SUMMARY:** The Commodity Credit Corporation (CCC) is amending the regulations at 7 CFR Part 1464 to provide that as a condition of eligibility for price support, producers of quota tobacco shall be required to certify that all tobacco which the producer delivers for price support will not have been "nested". Also, the interim rule would delete requirements with respect to the method of securing the identification tag for baled burley tobacco.

**EFFECTIVE DATE:** October 8, 1982. Comments must be received by December 7, 1982 in order to be assured of consideration.

**ADDRESS:** Send comments to the Director, Tobacco and Peanuts Division, ASCS, P.O. Box 2415, Washington, D.C. 20013.

**FOR FURTHER INFORMATION CONTACT:** C. Russell Levering, Marketing Specialist, Agricultural Stabilization and Conservation Service, Washington, D.C. 20013. Telephone: (202) 447-7446. The Draft Impact Analysis describing the options considered in developing this interim rule and the impact of implementing each option is available upon request from Mr. C. Russell Levering.

**SUPPLEMENTARY INFORMATION:** This interim rule has been reviewed under USDA procedures for implementing Executive Order 12291 and Secretary's Memorandum 1512-1. This rule has been classified "not major" since it will not result in: (1) An annual effect on the economy of \$100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographical region, or (3) significant adverse effects on competition, employment, investment productivity,

innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this interim rule applies as set forth in the Catalog of Federal Domestic Assistance are: Title: Commodity Loan and Purchases: Number: 10.051.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Credit Corporation is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this interim rule.

Since warehousemen and producers must be made aware of such provisions before the auction markets open, James M. Davis, Director, Tobacco and Peanuts Division, ASCS, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for a public comment period. Therefore, these regulations shall become effective upon the date of publication in the **Federal Register**.

However, the public is invited to submit written comments to the Director, Tobacco and Peanuts Division. Comments must be received no later than 60 days after publication of this document in order to be assured of consideration. This interim rule will be evaluated in view of comments received and a final rule will be published in the **Federal Register** discussing the comments and any further amendments which may be deemed necessary.

On April 26, 1982, the Agricultural Marketing Service (AMS) and Commodity Credit Corporation (CCC) published in the **Federal Register** a joint advance notice of proposed rulemaking and request for public comment (47 FR 17825). In the advance notice, CCC solicited comments concerning alternatives for identifying and preventing the problem of "nesting" of burley and flue-cured tobacco delivered for price support.

In response to the advance notice, the Department received 44 comments concerning the nesting of tobacco. Two groups supported requiring growers to certify, before receiving a marketing card, that their tobacco is not nested. All of those commenting agreed that something must be done about the "nesting" problem, and many stated that the Federal and State statutes prohibiting nesting should be strictly enforced. Many respondents recommended that "pullers" should be employed to follow the sale of tobacco



and reexamine each lot of such tobacco in order to discover any nested tobacco. Other commentators recommended imposing monetary or criminal penalties, or both, and denying price support for intentional nesting.

1. *The Problem of Nesting:* Nesting is a term used generally to describe any lot of tobacco offered for official inspection at an auction warehouse which has been loaded, packed, or arranged to conceal foreign material or tobacco of inferior grade, quality or condition. Nesting is more precisely defined in 7 CFR Part 29.

Reports from the industry indicate a significant increase in "nesting" in recent years. Flue-Cured Tobacco Cooperative Stabilization Corporation, the producer association through which CCC makes price support available to producers of flue-cured tobacco, reports that for the 1981 crop of tobacco (of which 22 percent less was placed under price support loan than the previous year), the volume of nested tobacco received by the association tripled. The association notified 668 growers of "nests" as compared with 212 the previous year. Also, a substantial increase in nested tobacco was discovered on warehouse floors. Burley buying companies have expressed concern about the increase in nesting that has occurred in the burley area. Handling nested tobacco is costly for buyers and seriously affects the reputation of U.S. tobacco.

While auction warehouse contracts have provisions prohibiting the warehouse from delivering nested tobacco to an association for price support, nesting is difficult to detect. Moreover, it is believed that the growing incidence of "nesting" and the expectation that more tobacco will come under loan will result in more undetected "nests" being placed in tobacco that comes under loan thereby decreasing the quality of CCC loan collateral tobacco.

With respect to the responses received concerning "nesting", the Burley Marketing Committee and the Council for Burley Tobacco, along with the concurrence of several buying companies, proposed that CCC implement a program whereby producers would have to certify that their tobacco was not nested.

On the basis of these suggestions, the regulations are being revised to provide that the producer, in order to be eligible for price support, must certify that none of the producer's tobacco which is delivered for price support will have been "nested".

This proposed amendment to the regulations excludes producers of the 1982 crop of flue-cured tobacco from the

certification since the 1982 crop of flue-cured tobacco is already being delivered for price support.

2. *Baled Burley Identification Tag:* Current regulations require that the baled burley identification tag for each bale in a lot must be secured by wire. Other means of fastening have been found which are satisfactory. Therefore, the requirement for a specific means of fastening is deleted.

#### List of Subjects in 7 CFR Part 1464

Price support programs, Tobacco.

#### PART 1464 [AMENDED]

Accordingly, the regulations at 7 CFR Part 1464 are amended to read as follows:

1. In § 1464.2, paragraph (b)(5)(iv)(C) is revised to read as follows:

#### § 1464.2 Availability of price support.

\* \* \* \* \*

(5) \* \* \*

(iv) \* \* \*

(C) The basket ticket shall show the number of bales in the lot. Each bale in the lot shall be identified by a uniform identification tag 1½ inches wide by 3¼ inches long which shall be attached securely to the bale and shall show at least the following information: (1) Warehouse registration number, (2) basket ticket identification number, and (3) bale number.

2. In § 1464.7 a new paragraph (e) is added to read as follows:

#### § 1464.7 Eligible producers.

\* \* \* \* \*

(e)(1) Except with respect to the 1982 crop of flue-cured tobacco, the producer has certified in writing that any tobacco which the producer delivers for price support will not have been "nested" as defined in 7 CFR Part 29. If, after notice and opportunity for an administrative hearing in accordance with 7 CFR Part 780, CCC determines that a producer knowingly delivered nested tobacco for the purpose of receiving price support, such producer shall be ineligible to receive price support with respect to any tobacco during the marketing year in which the false certification occurred.

(Secs. 4, 5, 62 Stat. 1020, as amended, (15 U.S.C. 714b, 714c), secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, (7 U.S.C. 1441, 1425, 1421, 1423))

Signed at Washington, D.C. on October 5, 1982.

C. Hoke Leggett,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 82-27832 Filed 10-7-82; 8:45 am]

BILLING CODE 3410-05-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 929

#### Key Largo National Marine Sanctuary; Withdrawal of Final Rule

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Withdrawal of final rule.

**SUMMARY:** On September 8, 1982, NOAA published final rules in the *Federal Register* concerning the management of the Key Largo National Marine Sanctuary. These rules were scheduled to become effective October 8, 1982, but for the reasons explained below, NOAA hereby withdraws the Key Largo National Marine Sanctuary final rules, effective upon publication of this document.

The final rules withdrawn by this document were intended to make minor revisions to the present interim-final regulations governing the management of the Key Largo National Marine Sanctuary. However, because the interim-final regulations were published more than six years earlier (41 CFR Part 2379) and never subsequently issued as final rules, OMB determined that the revisions to these regulations should be published as proposed rather than final rules, allowing interested parties the opportunity to comment on the proposed rules. Through administrative inadvertence, the proposed rules were sent to the *Federal Register* as final rules and published in that form, as indicated above. By withdrawing the final rules NOAA corrects this error. NOAA intends to publish in the near future proposed rules for the Key Largo National Marine Sanctuary.

**EFFECTIVE DATE:** The withdrawal of the final rules published September 8, 1982, concerning the Key Largo National Marine Sanctuary is effective as of October 8, 1982.

**FOR FURTHER INFORMATION CONTACT:** Dr. Nancy Foster, Deputy Director, Sanctuary Programs Office, 3300 Whitehaven Street, NW., Washington, D.C. (202) 634-4236.

**SUPPLEMENTARY INFORMATION:** As was the case with the final rules (47 FR 39475), withdrawal of the final rules has been determined: (1) Not to be a "major rule" under Executive Order 12291; (2) not to have a significant economic impact on small entities under the Regulatory Flexibility Act; (3) not to impose any information collection



requirements covered by the Paperwork Reduction Act on small governments; and (4) not to constitute a major Federal action requiring the preparation of NEPA documents.

Dated: October 4, 1982.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration)

Peter Tweedt,

Acting Assistant Administrator, Coastal Zone Management, National Oceanic and Atmospheric Administration.

Accordingly, the revision of 15 CFR Part 929 published on September 8, 1982, at 47 FR 39475, is withdrawn. The interim-final regulations originally published January 16, 1976 at 41 FR 2379 remain in effect.

[FR Doc. 82-27776 Filed 10-7-82; 8:45 am]

BILLING CODE 3510-08-M

## DEPARTMENT OF THE TREASURY

### Customs Service

#### 19 CFR Part 111

[T.D. 82-181]

#### Customhouse Broker Licenses: Correction

**AGENCY:** U.S. Customs Service, Treasury.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects an erroneous reference to a section of the Customs Regulations in a final rule relating to customhouse broker licenses which appeared at page 42727 in the Federal Register of Wednesday, September 29, 1982 (47 FR 42726).

**FOR FURTHER INFORMATION CONTACT:** James F. Bartley, Entry, Licensing and Restricted Merchandise Branch, U.S. Customs Service (202-566-5765).

The following correction is made to the document: On page 42727, right-hand column, the last sentence of revised § 111.19(a), Customs Regulations, is corrected to read " \* \* \* Upon receipt of the application, the district director of the district for which a license is desired shall follow the procedure set forth in section 111.12(b);".

\* \* \*

Dated: October 1, 1982.

Marvin M. Amernick,

Acting Director, Regulations Control and Disclosure Law Division.

[FR Doc. 82-27576 Filed 10-7-82; 8:45 am]

BILLING CODE 4820-02-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 178

[Docket No. 82F-0027]

#### Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Antioxidants and/or Stabilizers for Polymers

##### Correction

In FR Doc. 82-23708, beginning on page 38274, in the issue of Tuesday, August 31, 1982, on page 38275, in the second column in § 178.2010(b), in the table under the "Limitations" column, the last line of paragraph 7. should read "(0.004 inch)."

BILLING CODE 1505-01-M

#### 21 CFR Part 520

#### Oral Dosage Form New Animal Drugs Not Subject To Certification; Oxibendazole Suspension

##### Correction

In FR Doc. 82-24537, appearing on page 39811, on Friday, September 10, 1982, in the third column, in the fifth line from the bottom, "general" should be corrected to read "genera".

BILLING CODE 1505-01-M

#### 21 CFR Part 540

#### Penicillin Antibiotic Drugs for Animal Use; Sterile Amoxicillin Trihydrate for Suspension

##### Correction

In FR Doc. 82-24535, appearing on page 39813, on Friday, September 10, 1982, in § 540.203(c)(2)(iv)(c), in the third column, in the first line, "As with the" should be corrected to read "As with all".

BILLING CODE 1505-01-M

## DEPARTMENT OF DEFENSE

### Corps of Engineers, Department of the Army

#### 33 CFR Part 222

[ER 1110-2-240]

#### Engineering and Design; Water Control Management

**AGENCY:** U.S. Army Corps of Engineers, DOD.

**ACTION:** Final rule.

**SUMMARY:** This regulation describes policy, procedures and provides guidance for the Corps of Engineers to follow in performing water control management activities for the regulation of Corps and non-Corps projects as required by Federal laws, authorizing documents and directives. Recent Federal Statutes relating to fish and wildlife coordination, water project recreation, environmental protection and water pollution control have created a need for updated guidance provided by this regulation. This program will provide better water control plans and produce beneficial water savings and improvements in the availability of water.

**EFFECTIVE DATE:** October 8, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Earl Eiker, Chief Water Control/Quality Section, USACE (DAEN-CWE-HW), Washington, DC 20314. (202) 272-0224.

**SUPPLEMENTARY INFORMATION:** This final rule has been expanded with the addition of Appendix E which lists pertinent data for all U.S. Army Corps of Engineers projects subject to this regulation. Only minor comments on the proposed rule were received from three public agencies. Two comments pertained to coordination with local interests which is addressed in § 222.7 (f) and (g). One comment related to requirements for public information dissemination which is addressed in § 222.7(g)(2). The remainder of the comments received from the three respondents were questions of interpretation of various sections of the regulation.

**Note.**—The Assistant Secretary of Army, CW, has determined that this rule is not a "major rule" proposal requiring preparation of a regulatory impact analysis under Executive Order 12291. The Department of the Army has also determined as required by the Regulatory Flexibility Act (Pub. L. 96-354) that this rule poses no burden upon small entities.

#### List of Subjects in 33 CFR Part 222

Bridges, Dams, Water resources, Reservoir, Transportation, Rivers, Fish, Wildlife, and Records.

John O. Roach II,

Department of Army Liaison, Officer With the Federal Register.

Accordingly 33 CFR Part 222 is amended by adding a new § 222.7 with Appendixes A through E to read as set forth below.

(Sec. 7, Pub. L. 78-534, 58 Stat. 890 (33 U.S.C. 709); the Federal Power Act, 41 Stat. 1063 (16 U.S.C. 791(A)); and Sec. 9, Pub. L. 83-436, 68 Stat. 303, specific legislative authorization



Acts and Public Laws listed in Appendix E of this regulation)

## PART 222—ENGINEERING AND DESIGN

### § 222.7 Water control management (ER 1110-2-240).

(a) *Purpose.* This regulation prescribes policies and procedures to be followed by the U.S. Army Corps of Engineers in carrying out water control management activities, including establishment of water control plans for Corps and non-Corps projects, as required by Federal laws and directives.

(b) *Applicability.* This regulation is applicable to all field operating activities having civil works responsibilities.

(c) *References.* Appendix A lists U.S. Army Corps of Engineers publications and sections of Federal statutes and regulations that are referenced herein.

(d) *Authorities.*—(1) *U.S. Army Corps of Engineers Projects.* Authorities for allocation of storage and regulation of projects owned and operated by the Corps of Engineers are contained in legislative authorization acts and referenced project documents. These public laws and project documents usually contain provisions for development of water control plans, and appropriate revisions thereto, under the discretionary authority of the Chief of Engineers. Some modifications in project operation are permitted under congressional enactments subsequent to original project authorization. Questions that require interpretations of authorizations affecting regulation of specific reservoirs will be referred to CDR USACE (DAEN-CWE-HW), WASH DC 20314, with appropriate background information and analysis, for resolution.

(2) *Non-Corps Projects.* The Corps of Engineers is responsible for prescribing flood control and navigation regulations for certain reservoir projects constructed or operated by other Federal, non-Federal or private agencies. There are several classes of such projects: Those authorized by special acts of Congress; those for which licenses issued by the Federal Energy Regulatory Commission (formerly Federal Power Commission) provide that operation shall be in accordance with instructions of the Secretary of the Army; those covered by agreements between the operating agency and the Corps of Engineers; and those that fall under the terms of general legislative and administrative provisions. These authorities, of illustrative examples, are described briefly in Appendix B.

(e) *Terminology: Water Control Plans and Reservoir Regulation Schedules.* (1) Water control plans include coordinated regulation schedules for project/system regulation and such additional provisions as may be required to collect, analyze and disseminate basic data, prepare detailed operating instructions, assure project safety and carry out regulation of projects in an appropriate manner.

(2) The term "reservoir regulation schedule" refers to a compilation of operating criteria, guidelines, rule curves and specifications that govern basically the storage and release functions of a reservoir. In general, schedules indicate limiting rates of reservoir releases required during various seasons of the year to meet all functional objectives of the particular project, acting separately or in combination with other projects in a system. Schedules are usually expressed in the form of graphs and tabulations, supplemented by concise specifications.

(f) *General policies.* (1) Water control plans will be developed for reservoirs, locks and dams, reregulation and major control structures and interrelated systems to conform with objectives and specific provisions of authorizing legislation and applicable Corps of Engineers reports. They will include any applicable authorities established after project construction. The water control plans will be prepared giving appropriate consideration to all applicable Congressional Acts relating to operation of Federal facilities, i.e., Fish and Wildlife Coordination Act (Pub. L. 85-624), Federal Water Project Recreation Act-Uniform Policies (Pub. L. 89-72), National Environmental Policy Act of 1969 (Pub. L. 91-190), and Clean Water Act of 1977 (Pub. L. 95-217). Thorough analysis and testing studies will be made as necessary to establish the optimum water control plans possible within prevailing constraints.

(2) Necessary actions will be taken to keep approved water control plans up-to-date. For this purpose, plans will be subject to continuing and progressive study by personnel in field offices of the Corps of Engineers. These personnel will be professionally qualified in technical areas involved and familiar with comprehensive project objectives and other factors affecting water control. Organizational requirements for water control management are further discussed in ER 1110-2-1400.

(3) Water control plans developed for specific projects and reservoir systems will be clearly documented in appropriate water control manuals. These manuals will be prepared to meet initial requirements when storage in the

reservoir begins. They will be revised as necessary to conform with changing requirements resulting from developments in the project area and downstream, improvements in technology, new legislation and other relevant factors, provided such revisions comply with existing Federal regulations and established Corps of Engineers policy.

(4) Development and execution of water control plans will include appropriate consideration for efficient water management in conformance with the emphasis on water conservation as a national priority. The objectives of efficient water control management are to produce beneficial water savings and improvements in the availability and quality of water resulting from project regulation/operation. Balanced resource use through improved regulation should be developed to conserve as much water as possible and maximize all project functions consistent with project/system management. Continuous examination should be made of regulation schedules, possible need for storage reallocation (within existing authority and constraints) and to identify needed changes in normal regulation. Emphasis should be placed on evaluating conditions that could require deviation from normal release schedules as part of drought contingency plans (ER 1110-2-1941).

(5) Adequate provisions for collection, analysis and dissemination of basic data, the formulation of specific project regulation directives, and the performance of project regulation will be established at field level.

(6) Appropriate provisions will be made for monitoring project operations, formulating advisories to higher authorities, and disseminating information to others concerned. These actions are required to facilitate proper regulation of systems and to keep the public fully informed regarding all pertinent water control matters.

(7) In development and execution of water control plans, appropriate attention will be given to project safety in accordance with ER 1130-2-417 and ER 1130-2-419 so as to insure that all water impounding structures are operated for the safety of users of the facilities and the general public. Care will be exercised in the development of reservoir regulation schedules to assure that controlled releases minimize project impacts and do not jeopardize the safety of persons engaged in activities downstream of the facility. Water control plans will include provisions for issuing adequate warnings or otherwise alerting all affected interests to possible



hazards from project regulation activities.

(8) In carrying out water control activities, Corps of Engineers personnel must recognize and observe the legal responsibility of the National Weather Service (NWS), National Oceanic and Atmospheric Administration (NOAA), for issuing weather forecasts and flood warnings, including river discharges and stages. River forecasts prepared by the Corps of Engineers in the execution of its responsibilities should not be released to the general public, unless the NWS is willing to make the release or agrees to such dissemination. However, release to interested parties of factual information on current storms or river conditions and properly quoted NWS forecasts is permissible. District offices are encouraged to provide assistance to communities and individuals regarding the impact of forecasted floods. Typical advice would be to provide approximate water surface elevations at locations upstream and downstream of the NWS forecasting stream gages.

Announcement of anticipated changes in reservoir release rates as far in advance as possible to the general public is the responsibility of Corps of Engineers water control managers for projects under their jurisdiction.

(9) Water control plans will be developed in concert with all basin interests which are or could be impacted by or have an influence on project regulation. Close coordination will be maintained with all appropriate international, Federal, State, regional and local agencies in the development and execution of water control plans. Effective public information programs will be developed and maintained so as to inform and educate the public regarding Corps of Engineers water control management activities.

(10) Fiscal year budget requests for water control management activities will be prepared and submitted to the Office of the Chief of Engineers in accordance with requirements established in Engineer Circular on Annual Budget Requests for Civil Works Activities. The total annual costs of all activities and facilities that support the water control functions, (excluding physical operation of projects, but including flood control and navigation regulation of projects subject to 33 CFR 208.11) are to be reported. Information on the Water Control Data Systems and associated Communications Category of the Plant Replacement and Improvement Program will be submitted with the annual budget. Reporting will be in accordance with the annual Engineer

Circular on Civil Works Operations and Maintenance, General Program.

(g) *Responsibilities: US Army Corps of Engineers Projects.*—(1) *Preparation of Water Control Plans and Manuals.* Normally, district commanders are primarily responsible for background studies and for developing plans and manuals required for reservoirs, locks and dams, reregulation and major control structures and interrelated systems in their respective district areas. Policies and general guidelines are prescribed by OCE engineer regulations while specific requirements to implement OCE guidance are established by the division commanders concerned. Master Water Control Manuals for river basins that include more than one district are usually prepared by or under direct supervision of division representatives. Division commanders are responsible for providing such management and technical assistance as may be required to assure that plans and manuals are prepared on a timely and adequate basis to meet water control requirements in the division area, and for pertinent coordination among districts, divisions, and other appropriate entities.

(2) *Notification of the General Public.* The Corps of Engineers will sponsor public involvement activities, as appropriate, to apprise the general public of the water control plan. The water control manual will be made available for examination by the general public upon request at the appropriate office of the Corps of Engineers. Notice shall be given in the event significant problems are anticipated or experienced that will prevent carrying out the approved water control plan or in the event that an extreme water condition is expected that could produce severe damage to property or loss of life. The means for conveying this information shall be commensurate with the urgency of the situation.

(3) *Authority for Approval of Plans and Manuals.* Division commanders are delegated authority for approval of water control plans and manuals, and associated activities.

(4) *OCE Role in Water Control Activities.* OCE will establish policies and guidelines applicable to all field offices and for such actions as are necessary to assure a reasonable degree of consistency in basic policies and practices in all Division areas. Assistance will be provided to field offices during emergencies and upon special request.

(5) *Methods Improvement and Staff Training.* Division and district commanders are responsible for

conducting appropriate programs for improving technical methods applicable to water control activities in their respective areas. Suitable training programs should be maintained to assure a satisfactory performance capability in water control activities. Appropriate coordination of such programs with similar activities in other areas will be accomplished to avoid duplication of effort, and to foster desirable exchange of ideas and developments. Initiative in re-evaluating methods and guidelines previously established in official documents referred to in paragraph (e) of this section is encouraged where needs are evident. However, proposals for major deviations from basic concepts, policies and general practices reflected in official publications will be submitted to CDR USACE (DAEN-CWE) WASH DC 20314 for concurrence or comment before being adopted for substantial application in actual project regulation at field level.

(h) *Directives and Technical Instruction Manuals.* (1) Directives issued through OCE Engineer Regulations will be used to foster consistency in policies and basic practices. They will be supplemented as needed by other forms of communication.

(2) Engineering Manuals (EM) and Engineer Technical Letters (ETL) are issued by OCE to serve as general guidelines and technical aids in developing water control plans and manuals for individual projects or systems.

(3) EM 1110-2-3600 discusses principles and concepts involved in developing water control plans. Instructions relating to preparation of "Water Control Manuals for specific projects" are included. EM 1110-2-3600 should be used as a general guide to water control activities. The instructions are sufficiently flexible to permit adaptation to specific regions. Supplemental information regarding technical methods is provided in numerous documents distributed to field offices as "hydrologic references."

(4) Special assistance in technical studies is available from the Hydrologic Engineering Center, Corps of Engineers, 609 Second Street, Davis, California 95616 and DAEN-CWE-HW.

(i) *Water Control Manuals for US Army Corps of Engineers Projects.* (1) As used herein, the term "Water Control Manual" refers to manuals that relate primarily to the functional regulation of an individual project or system of projects. Although such manuals normally include background



information concerning physical features of projects, they do not prescribe rules or methods for physical maintenance or care of facilities, which are covered in other documents. (References 15 and 23, Appendix A.)

(2) Water control manuals prepared in substantially the detail and format specified in instructions referred to in paragraph 8 are required for all reservoirs under the supervision of the Corps of Engineers, regardless of the purpose or size of the project. Water Control manuals are also required for lock and dam, reregulation and major control structure projects that are physically regulated by the Corps of Engineers. Where there are several projects in a drainage basin with interrelated purposes, a "Master Manual" shall be prepared. The effects of non-Corps projects will be considered in appropriate detail, including an indication of provisions for interagency coordination.

(3) "Preliminary Water Control Manuals," for projects regulated by the Corps of Engineers should contain regulation schedules in sufficient detail to establish the basic plan of initial project regulation.

(4) As a general rule, preliminary manuals should be superseded by more detailed interim or "final" manuals within approximately one year after the project is placed in operation.

(5) Each water control manual will contain a section on special regulations to be conducted during emergency situations, including droughts. Preplanned operations and coordination are essential to effective relief or assistance.

(6) One copy of all water control manuals and subsequent revisions shall be forwarded to DAEN-CWE-HW for file purposes as soon as practicable after completion, preferably within 30 days from date of approval at the division level.

(j) *Policies and Requirements for Preparing Regulations for Non-Corps Projects.* (1) Division and district commanders will develop water control plans as required by Section 7 of the 1944 Flood Control Act, the Federal Power Act and Section 9 of Pub. L. 436-83 for all projects located within their areas, in conformance with ER 1110-2-241, 33 CFR Part 208. That regulation prescribes the policy and general procedures for regulating reservoir projects capable of regulation for flood control or navigation, except projects owned and operated by the Corps of Engineers; the International Boundary and Water Commission, United States and Mexico; those under the jurisdiction of the International Joint Commission,

United States and Canada, and the Columbia River Treaty. ER 1110-2-241, 33 CFR Part 208 permits the promulgation of specific regulations for a project in compliance with the authorizing acts, when agreement on acceptable regulations cannot be reached between the Corps Engineers and the owners. Appendix B provides a summary of the Corps of Engineers responsibilities for prescribing regulations for non-Corps reservoir projects.

(2) Water control plans will be developed and processed as soon as possible for applicable projects already completed and being operated by other entities, including projects built by the Corps of Engineers and turned over to others for operation.

(3) In so far as practicable, water control plans for non-Corps projects should be developed in cooperation with owning/operating agencies involved during project planning stages. Thus, tentative agreements on contents, including pertinent regulation schedules and diagrams, can be accomplished prior to completion of the project.

(4) The magnitude and nature of storage allocations for flood control or navigation purposes in non-Corps projects are governed basically by conditions of project authorizations or other legislative provisions and may include any or all of the following types of storage assignments:

(i) Year-round allocations: Storage remains the same all year.

(ii) Seasonal allocations: Storage varies on a fixed seasonal basis.

(iii) Variable allocations of flood control from year to year, depending on hydrologic parameters, such as snow cover.

(5) Water control plans should be developed to attain maximum flood control or navigation benefits, consistent with other project requirements, from the storage space provided for these purposes. When reservoir storage capacity of the category referred to in paragraph (j)(4)(iii) is utilized for flood control or navigation, jointly with other objectives, the hydrologic parameters and related rules developed under provisions of ER 1110-2-241, 33 CFR Part 208 should conform as equitably as possible with the multiple-purpose objectives established in project authorizations and other pertinent legislation.

(6) Storage allocations made for flood control or navigation purposes in non-Corps projects are not subject to modifications by the Corps of Engineers as a prerequisite for prescribing 33 CFR 208.11 regulations. However, regulations developed for use of such storage should

be predicated on a mutual understanding between representatives of the Corps and the operating agency concerning the conditions of the allocations in order to assure reasonable achievement of basic objectives intended. In the event field representatives of the Corps of Engineers, and the operating agency are unable to reach necessary agreements after all reasonable possibilities have been explored, appropriate background explanations and recommendations should be submitted to DAEN-CWE-HW for consideration.

(7) The Chief of Engineers is responsible for prescribing regulations for use of flood control or navigation storage and/or project operation under the provisions of the referenced legislative acts. Accordingly, any regulations established should designate the division/district commander who is responsible to the Chief of Engineers as the representative to issue any special instructions required under the regulation. However, to the extent practicable, project regulations should be written to permit operation of the project by the owner without interpretations of the regulations by the designated representative of the Commander during operating periods.

(8) Responsibility for compliance with 33 CFR 208.11 regulations rests with the operating agency. The division or district commander of the area in which the project is located will be kept informed regarding project operations to verify reasonable conformance with the regulations. The Chief of Engineers or his designated representative may authorize or direct deviation from the established water control plan when conditions warrant such deviation. In the event unapproved deviations from the prescribed regulations seem evident, the division or district commander concerned will bring the matter to the attention of the operating agency by appropriate means.

If corrective actions are not taken promptly, the operating agency should be notified of the apparent deviation in writing as a matter of record. Should an impasse arise, in that the project owner or the designated operating entity persists in noncompliance with regulations prescribed by the Corps of Engineers, the Office of Chief Counsel should be advised through normal channels and requested to take necessary measures to assure compliance.

(9) Regulations should contain information regarding the required exchange of basic data between the representative of the operating agency



and the U.S. Army Corps of Engineers, that are pertinent to regulation and coordination of interrelated projects in the region.

(10) All 33 CFR 208.11 regulations shall contain provisions authorizing the operating agency to temporarily deviate from the regulations in the event that it is necessary for emergency reasons to protect the safety of the dam, to avoid health hazards, and to alleviate other critical situations.

(k) *Developing and Processing Regulations for Non-Corps Projects.* Guidelines concerning technical studies and development of regulations are contained in ER 1110-2-241, 33 CFR Part 208 and EM 1110-2-3600. Appendix C of this regulation summarizes steps normally followed in developing and processing regulations for non-Corps projects.

(l) *Water Control During Project Construction Stage.* Water control plans discussed in preceding paragraphs are intended primarily for application after the dam, spillway and outlet structures; major relocations; land acquisitions, administrative arrangements and other project requirements have reached stages that permit relatively normal project regulation. With respect to non-Corps projects, regulations normally become applicable when water control agreements have been signed by the designated signatories, subject to special provisions in specific cases. In some instances, implementation of regulations has been delayed by legal provisions, contract limitations, or other considerations. These delays can result in loss of potential project benefits and possible hazards. Accordingly, it is essential that appropriate water control and contingency plans be established for use from the date any storage may accumulate behind a partially completed dam until the project is formally accepted for normal operations. Division commanders shall make certain that construction-stage regulation plans are established and maintained in a timely and adequate manner for projects under the supervision of the Corps of Engineers. In addition, the problems referred to should be discussed with authorities who are responsible for non-Corps projects, with the objective of assuring that such projects operate as safely and effectively as possible during the critical construction stage and any period that may elapse before regular operating arrangements have been established. These special regulation plans should include consideration for protection of construction operations; safety of downstream interests that might be jeopardized by failure of

partially completed embankments; requirements for minimizing adverse effects on partially completed relocations or incomplete land acquisition; and the need for obtaining benefits from project storage that can be safely achieved during the construction and early operation period.

(m) *Advisories to OCE Regarding Water Control Activities.*—(1) *General.* Division commanders will keep the Chief of Engineers currently informed of any unusual problems or activities associated with water control that impact on his responsibilities.

(2) *Annual Division Water Control Management Report (RCS DAEN-CWE-16(R1)).* Division commanders will submit an annual report on water control management activities within their division. The annual report will be submitted to (DAEN-CWE-HW) by 1 February each year and cover significant activities of the previous water year and a description of activities to be accomplished for the current year. Funding information for Water Control activities will be provided in the letter of transmittal for in-house use only. The primary objective of this summary is to keep the Chief of Engineers informed regarding overall water management activities Corps-wide, thus providing a basis to carry out OCE responsibilities set forth in paragraph (g)(4) of this section.

(3) *Status of Water Control Manuals.* A brief discussion shall be prepared annually by each division commander, as a separate section of the annual report on water control management activities discussed in paragraph (m)(2) of this section listing all projects currently in operation in his area, or expected to begin operation within one-year, with a designation of the status of water control manuals. The report should also list projects for which the Corps of Engineers is responsible for prescribing regulations, as defined in ER 1110-2-241, 33 CFR Part 208.

(4) *Monthly Water Control Charts (RCS DAEN-CWE-6 (R1)).* A monthly record of reservoirs/lakes operated by the Corps of Engineers and other agencies, in accordance with 33 CFR 208.11, will be promptly prepared and maintained by district/division commanders in a form readily available for transmittal to the Chief of Engineers, or others, upon request. Record data may be prepared in either graphical form as shown in EM 1110-2-3600, or tabular form as shown in the sample tabulation in Appendix D.

(5) *Annual Division Water Quality Reports (RCS DAEN-CWE-15).* By Executive Order 12088, the President

ordered the head of each Executive Agency to be responsible for ensuring that all necessary actions are taken for prevention, control, and abatement of environmental pollution with respect to Federal facilities and activities under control of the agency. General guidance is provided in references 24 and 25, Appendix A, for carrying out this agency's responsibility. Annual division water quality reports are required by reference 24, Appendix A. The report is submitted in two parts. The first part addresses the division Water quality management plan while the second part presents specific project information. A major objective of this report is to summarize information pertinent to water quality aspects of overall water management responsibilities. The annual division water quality report may be submitted along with the annual report on water control management activities discussed in paragraph 13b above.

(6) *Master Plans for Water Control Data Systems (RCS DAEN-CWE-21).* (i) A water control data system is all of the equipment within a division which is used to acquire, process, display and distribute information for real-time project regulation and associated interagency coordination. A subsystem is all equipment as defined previously within a district. A network is all equipment as defined previously which is used to regulate a single project or a group of projects which must be regulated interdependently.

(ii) Master plans for water control data systems and significant revisions thereto will be prepared by division water control managers and submitted to DAEN-CWE-HW by 1 February each year for review and approval of engineering aspects. Engineering approval does not constitute funding approval. After engineering approval is obtained, equipment in the master plan is eligible for consideration in the funding processes described in ER 1125-2-301 and engineering circulars on the annual budget request for civil works activities. Master plans will be maintained current and will:

(A) Outline the system performance requirements, including those resulting from any expected expansions of Corps missions.

(B) Describe the extent to which existing facilities fulfill performance requirements.

(C) Describe alternative approaches which will upgrade the system to meet the requirements not fulfilled by existing facilities, or are more cost effective than the existing system.



(D) Justify and recommend a system considering timeliness, reliability, economics and other factors deemed important.

(E) Delineate system scope, implementation schedules, proposed annual capital expenditures by district, total costs, and sources of funding.

(iii) Modified master plans should be submitted to DAEN-CWE-HW by 1 February, whenever revisions are required, to include equipment not previously approved or changes in scope or approach. Submittal by the February date will allow adequate time for OCE review and approval prior to annual budget submittals.

(iv) Division commanders are delegated authority to approve detailed plans for subsystems and networks of approved master plans. Plans approved by the division commander should meet the following conditions:

(A) The plan conforms to an approved master plan.

(B) The equipment is capable of functioning independently.

(C) An evaluation of alternatives has been completed considering reliability, cost and other important factors.

(D) The plan is economically justified, except in special cases where legal requirements dictate performance standards which cannot be economically justified.

(v) Copies of plans approved by the division commander shall be forwarded to appropriate elements in OCE in support of funding requests and to obtain approval of Automatic Data Processing Equipment (ADPE), when applicable.

(vi) Water control data systems may be funded from Plant Revolving Fund; O&M General; Flood Control, MR&T, and Construction, General. Funding for water control equipment that serves two or more projects will be from Plant Revolving Fund in accordance with ER 1125-2-301. District and division water control managers will coordinate plant revolving fund requests with their respective Plant Replacement and Improvement Program (PRIP) representatives following guidance provided in ER 1125-2-301. Budget funding requests under the proper appropriation title should be submitted only if the equipment is identified in an approved master plan.

(vii) Justification for the Automatic Data Processing Equipment (ADPE) aspects of water control data systems must conform to AR 18-1, Appendix I or J as required. The "Funding for ADPE" paragraph in Appendixes I and J must cite the source of funds and reference relevant information in the approved master plan and detailed plan.

(viii) Division water control managers will submit annual letter summaries of the status of their respective water control systems and five-year plan for improvements. These summaries will be submitted to DAEN-CWE by 1 June for coordination with DAEN-CWO, CWB and DSZ-A, prior to the annual budget request. Summaries should not be used to obtain approval of significant changes in master plans. Sources of funding for all items for each district and for the division should be delineated so that total system expenditures and funding requests are identified. Changes in the master plan submitted 1 February should be documented in this letter summary if the changes were approved.

#### (7) Summary of Runoff Potentials in Current Season (RCS DAEN-CWO-2).

(i) The Chief of Engineers and staff require information to respond to inquiries from members of Congress and others regarding runoff potentials. Therefore, the division commander will submit a snowmelt runoff and flood potential letter report covering the snow accumulation and runoff period, beginning generally in February and continuing monthly, until the potential no longer exist. Dispatch of supplemental reports will be determined by the urgencies of situations as they occur. The reports will be forwarded as soon as hydrologic data are available, but not later than the 10th of the month. For further information on reporting refer to ER 500-1-1, 33 CFR Part 203.

(ii) During major drought situations or low-flow conditions, narrative summaries of the situation should be furnished to alert the Chief of Engineers regarding the possibility of serious runoff deficiencies that are likely to call for actions associated with Corps of Engineers reservoirs.

(iii) The reports referred to in paragraphs (m)(7) (i) and (ii) of this section will include general summaries regarding the status of reservoir storage, existing and forecasted at the time of the reports.

(8) *Reports on Project Operations During Flood Emergencies.* Information on project regulations to be included in reports submitted to the Chief of Engineers during flood emergencies in accordance with ER 500-1-1 include rate of inflow and outflow in CFS, reservoir levels, predicted maximum level and anticipated date, and percent of flood control storage utilized to date. Maximum use should be made of computerized communication facilities in reporting project status to DAEN-CWO-E/CWE-HW in accordance with the requirements of ER 500-1-1, 33 CFR Part 203.

(9) *Post-Flood Summaries of Project Regulation.* Project regulation effects including evaluation of the stage reductions at key stations and estimates of damages prevented by projects will be included in the post flood reports required by ER 500-1-1, 33 CFR Part 203.

(n) *Water Control Management Boards.* (1) The Columbia River Treaty Permanent Engineering Board was formed in accordance with the Columbia River Treaty with Canada. This board, composed of U.S. and Canadian members, oversees the implementation of the Treaty as carried out by the U.S. and Canadian Entities.

(2) The Mississippi River Water Control Management Board was established by ER 15-2-13. It consists of the Division Commanders from LMVD, MRD, NCD, ORD, and SWD with the Director of Civil Works serving as chairman. The purposes of the Board are:

(i) To provide oversight and guidance during the development of basin-wide management plans for Mississippi River Basin projects for which the US Army Corps of Engineers has operation/regulation responsibilities.

(ii) To serve as a forum for resolution of water control problems among US Army Corps of Engineers Divisions within the Mississippi River Basin when agreement is otherwise unobtainable.

(o) *List of Projects.* Projects owned and operated by the Corps of Engineers subject to this regulation are listed with pertinent data in Appendix E. This list will be updated periodically to include Corps projects completed in the future. Federal legislation, Federal regulations and local agreements have given the Corps of Engineers wide responsibilities for operating projects which it does not own. Non-Corps projects subject to this regulation are included in Appendix A of ER 1110-2-241.

#### Appendix A—References

1. The Federal Power Act, Pub. L. 436-83, approved 10 June 1920, as amended (41 Stat. 1063; 16 U.S.C. 791(a))
2. Section 3 of the Flood Control Act approved 22 June 1936, as amended (49 Stat. 1571; 33 U.S.C. 701(c))
3. Section 9(b) of Reclamation Project Act of 1939, approved 4 August 1939 (53 Stat. 1187; 43 U.S.C. 485)
4. Section 7 of the Flood Control Act approved 22 December 1944 (58 Stat. 890; 33 U.S.C. 709)
5. Section 5 of Small Reclamation Projects Act of 6 August 1956, as amended (70 Stat. 1046; 43 U.S.C. 422(e))
6. Section 9 of Pub. L. 436-83d Congress (68 Stat. 303)
7. The Fish and Wildlife Coordination Act of 1958, Pub. L. 85-624



8. The Federal Water Project Recreation Act Uniform Policies, Pub. L. 89-72
9. The National Environmental Policy Act of 1969, Pub. L. 91-190
10. The Clean Water Act of 1977, Pub. L. 95-217
11. Executive Order 12088, Federal Compliance with Pollution Control Standards, 13 October 1978
12. 33 CFR 208.10, Local flood protection works; maintenance and operation of structures and facilities (9 FR 9999; 9 FR 10203)
13. 33 CFR 208.11, Regulations for use of Storage Allocated for Flood Control or Navigation and/or Project Operation at Reservoirs subject to Prescription of Rules and Regulations by the Secretary of the Army in the Interest of Flood Control and Navigation (43 FR 47184)
14. AR 18-1
15. ER 11-2-101
16. ER 15-2-13
17. ER 500-1-1, 33 CFR Part 203
18. ER 1110-2-241, 33 CFR Part 208
19. ER 1110-2-1400
20. ER 1110-2-1402
21. ER 1110-2-1941
22. ER 1125-2-301
23. ER 1130-2-303
24. ER 1130-2-334
25. ER 1130-2-415
26. ER 1130-2-417
27. ER 1130-2-419
28. EM 1110-2-3600

#### Appendix B—Summary of Corps of Engineers Responsibilities for Prescribing Regulations for Non-Corps Reservoir Projects

##### Summary

1. (a) "Regulations for Use of Storage Allocated for Flood Control or Navigation and/or Project Operation at Reservoirs subject to Prescription of Rules and Regulations by the Secretary of the Army in the Interest of Flood Control and Navigation" (33 CFR 208.11) prescribe the responsibilities and general procedures for regulating reservoir projects capable of regulation for flood control or navigation and the use of storage allocated for such purposes and provided on the basis of flood control and navigation, except projects owned and operated by the Corps of Engineers; the International Boundary and Water Commission, United States and Mexico; and those under the jurisdiction of the International Joint Commission, United States and Canada, and the Columbia River Treaty.

(b) Pertinent information on projects for which regulations are prescribed under Section 7 of the 1944 Flood Control Act, (Pub. L. 78-58 Stat. 890 (33 U.S.C. 709)) the Federal Power Act (41 Stat. 1063 (16 U.S.C. 791(A))) and Section 9 of Pub. L. 436-83d Congress (68 Stat. 303) is published in the *Federal Register* in accordance with 33 CFR 208.11.

Publication in the *Federal Register* establishes the fact and the date of a project's regulation plan promulgation.

2. Section 7 of Act of Congress approved 22 December 1944 (58 Stat. 890; 33 U.S.C. 709), reads as follows:

"Hereafter, it shall be the duty of the Secretary of War to prescribe regulations for the use of storage allocated for flood control or navigation at all reservoirs constructed wholly or in part with Federal funds provided on the basis of such purposes, and the operation of any such project shall be in accordance with such regulations: *Provided*, That this section shall not apply to the Tennessee Valley Authority, except that in case of danger from floods on the Lower Ohio and Mississippi Rivers the Tennessee Valley Authority is directed to regulate the release of water from the Tennessee River into the Ohio River in accordance with such instructions as may be issued by the War Department."

3. Section 9(b) of the Reclamation Project Act of 1939, approved 4 August 1939 (53 Stat. 1189, 43 U.S.C. 485), provides that the Secretary of the Interior may allocate to flood control or navigation as part of the cost of new projects or supplemental works; and that in connection therewith he shall consult with the Chief of Engineers and may perform any necessary investigations under a cooperative agreement with the Secretary of the Army. These projects are subject to 33 CFR 208.11 regulations.

4. Several dams have been constructed by State agencies under provisions of legislative acts wherein the Secretary of the Army is directed to prescribe rules and regulations for project operation in the interest of flood control and navigation. These projects are subject to 33 CFR 208.11 regulations.

5. There are few dams constructed under Emergency Conservation work authority or similar programs, where the Corps of Engineers has performed major repairs or rehabilitation, that are operated and maintained by local agencies which are subject to 33 CFR 208.11 regulations.

6. The Federal Power Act, approved 10 June 1920, as amended (41 Stat. 1063, 16 U.S.C. 791 (A)), established the Federal Power Commission, now Federal Energy Regulatory Commission (FERC), with authority to issue licenses for constructing, operating, and maintaining dams or other project works for the development of navigation, for utilization of water power and for other beneficial public uses in any streams over which Congress has jurisdiction. The Chief of Engineers is called upon for advice and assistance as needed in

formulating reservoir regulation requirements somewhat as follows:

a. In response to requests from the FERC, opinions and technical appraisals are furnished by the Corps of Engineers for consideration prior to issuance of licenses by the FERC. Such assistance may be limited to general presentations, or may include relatively detailed proposals for water control plans, depending upon the nature and scope of projects under consideration. The information furnished is subject to such consideration and use as the Chairman, FERC, deems appropriate. This may result in inclusion of simple provisions in licenses without elaboration, or relatively detailed requirements for reservoir regulation schedules and plans.

b. Some special acts of Congress provide for construction of dams and reservoirs by non-Federal agencies or private firms under licenses issued by the FERC, subject to stipulation that the operation and maintenance of the dams shall be subject to reasonable rules and regulations of the Secretary of the Army in the interest of flood control and navigation. Ordinarily no Federal funds are involved, thus Section 7 of the 1944 Flood Control Act does not apply. However, if issuance of regulations by the Secretary of the Army is required by the authority under which flood control or navigation provisions are included as functions of the specific project or otherwise specified in the FERC license, regulation plans will be prescribed in accordance with 33 CFR 208.11 regulations.

7. Projects constructed by the Corps of Engineers for local flood protection purposes are subject to conditions of local cooperation as provided in Section 3 of the Flood Control Act approved 22 June 1936, as amended. One of those conditions is that a responsible local agency will maintain and operate all works after completion in accordance with regulations prescribed by the Secretary of the Army. Most such projects consist mainly of levees and flood walls with appurtenant drainage structures. Regulations for operation and maintenance of these projects has been prescribed by the Secretary of the Army in 33 CFR 208.10. When a reservoir is included in such a project, it may be appropriate to apply 33 CFR 208.10 in establishing regulations for operation, without requiring their publication in the *Federal Register*. For example, if the reservoir controls a small drainage area, has an uncontrolled flood control outlet with automatic operation or contains less than 12,500 acre-feet of flood control or navigation storage, 33 CFR



208.10 may be suitable. However, 33 CFR 208.11 regulations normally would be applicable in prescribing flood control regulations for the individual reservoir, if the project has a gated flood control outlet by which the local agency can regulate floods.

8. Regulation plans for projects owned by the Corps of Engineers are not prescribed in accordance with 33 CFR 208.11. However, regulation plans for projects constructed by the Corps of Engineers and turned over to other agencies or local interests for operation may be prescribed in accordance with 33 CFR 208.11.

9. The Small Reclamation Projects Act of 6 August 1956 provides that the Secretary of the Interior may make loans or grants to local agencies for the construction of reclamation projects. Section 5 of the Act provides in part that the contract covering any such grant shall set forth that operation be in accordance with regulations prescribed by the head of the Federal department or agency primarily concerned. Normally, 33 CFR 208.11 is not applicable to these projects.

#### **Appendix C—Procedures for Developing and Processing Regulations for Non-Corps Projects in Conformance with 33 CFR 208.11**

1. *Sequence of actions.* a. Discussions leading to a clarification of conditions governing allocations of storage capacity to flood control or navigation purposes and project regulation are initiated by District/Division Engineers through contacts with owners and/or operating agencies concerned at regional level.

b. Background information on the project and conditions requiring flood control or navigation services, and other relevant factors, are assembled by the District Engineer and incorporated in a "Preliminary Information Report". The Preliminary Information Report will be submitted to the Division Engineer for review and approval. Normally, the agency having jurisdiction over the particular project is expected to furnish information on project features, the basis for storage allocations and any other available data pertinent to the studies. The Corps of Engineers supplements this information as required.

c. Studies required to develop reservoir regulation schedules and plans usually will be conducted by Corps of Engineers personnel at District level, except where the project regulation

affects flows in more than one district, in which case the studies will be conducted by or under supervision of Division personnel. Assistance as may be available from the project operating agency or others concerned will be solicited.

d. When necessary agreements are reached at district level, and regulations developed in accordance with 33 CFR 208.11 and EM 1110-2-3600, they will be submitted to the Division Commander for review and approval, with information copies for DAEN-CWE-HW. Usually the regulations include diagrams of operating parameters.

e. For projects owned by the Bureau of Reclamation, the respective Regional Directors are designated as duly authorized representatives of the Commissioner of Reclamation. By letter of 20 October 1976, the Commissioner delegated responsibilities to the Regional Directors as follows:

"Regarding the designated authorization of representatives of the Commissioner of Reclamation in matters relating to the development and processing of Section 7 flood control regulations, we are designating each Regional Director as our duly authorized representative to sign all letters of understanding, water control agreements, water control diagrams, water control release schedules and other documents which may become part of the prescribed regulations. The Regional Director also will be responsible for obtaining the signature of the designated operating agency on these documents where such is required. Regarding internal coordination within the Bureau of Reclamation, the Regional Directors will obtain the review and approval of this office and at appropriate offices with our Engineering and Research Center, Denver, Colorado, prior to signing water control documents."

f. In accordance with the delegation cited in paragraph e, 33 CFR 208.11 regulations pertaining to Bureau of Reclamation projects will be processed as follows:

(1) After regulation documents submitted by District Commanders are reviewed and approved by the Division Commander they are transmitted to the respective Regional Director of the Bureau of Reclamation for concurrence of comment, with a request that tracings of regulation diagrams be signed and returned to the Division Commander.

(2) If any questions arise at this stage appropriate actions are taken to resolve differences. Otherwise, the duplicate



tracings of the regulation diagram are signed by the Division Commander and transmitted to the office of the project owner for filing.

(3) After full agreement has been reached in steps (1) and (2), the text of proposed regulations is prepared in final form. Copies of any diagrams involved are included for information only.

(4) A letter announcing completion of action on processing the regulations, with pertinent project data as specified in paragraph 208.11(d)(11) of 33 CFR 208.11, and one copy of the signed tracings of diagrams are forwarded to HQDA (DAEN-CWE-HW) WASH DC 20314 for promulgation and filing. The office of the Chief of Engineers will forward the pertinent project data to the Liaison Officer with the Federal Register, requesting publication in the Federal Register.

g. Regulations developed in accordance with 33 CFR 208.11 and applicable to projects that are not under supervision of the Bureau of Reclamation are processed in substantially the manner described above. All coordination required between the Corps of Engineers and the operating agency will be accomplished at field level.

h. Upon completion of actions listed above, Division Commanders are responsible for informing the operating agencies at field level that regulations have been promulgated.

2. *Signature blocks:* Some 33 CFR 208.11 regulations contain diagrams of parameter curves that cannot be published in the Federal Register, but are made a part thereof by appropriate reference. Each diagram bears a title

block with spaces for the signature of authenticating officials of the Corps of Engineers and the owner/operating agency of the project involved.

3. *Designation of Corps of Engineers Representatives.* Division Commanders are designated representatives of the Chief of Engineers in matters relating to development and processing of 33 CFR 208.11 regulations for eventual promulgation through publication of selected data specified in paragraph (d)(11) § 208.11. Division Commanders are designated as the Corps of Engineers signee on all letters of understanding, water control agreements and other documents which may become part of prescribed regulations for projects located in their respective geographic areas, and which are subject to the provisions of 33 CFR 208.11.

#### Appendix D.—Sample Tabulation

##### BARDWELL LAKE, MONTHLY LAKE REPORT, MAY 1975

Day	Elevations 0800: 2,400 feet-MSL	Storage 2400 A-F	Evap DSF	Pump DSF	Release DSF	Inflow adj. DSF	Rain, inch
1	421.30 421.31	55979	28	2.0	0	84	0.00
2	421.32 421.37	56196	5	2.0	0	117	.00
3	421.43 421.44	56449	23	1.9	0	152	.14
4	421.45 421.47	56558	1	1.8	0	58	.00
5	421.49 421.34	56088	1	2.0	324	50	.00
6	421.20 421.01	54902	14	1.9	632	50	.00
7	420.88 420.89	54473	4	2.0	269	59	.09
8	420.89 420.91	54544	5	2.3	0	44	.00
9	420.90 420.89	54473	11	1.5	0	38	.00
10	420.90 420.90	54509	28	3.0	0	27	.00
11	420.91 421.35	56124	26	1.8	0	824	.00
12	421.54 421.65	57213	31	2.1	0	582	1.61
13	421.70 421.75	57578	29	2.2	0	216	.00
14	421.78 421.76	57614	34	1.9	249	303	.03
15	421.69 421.52	56739	22	1.9	643	225	.57
16	421.39 421.28	55871	39	2.1	535	138	.00
17	421.19 421.09	55188	10	2.2	393	119	.00
18	421.03 421.05	55045	46	2.0	143	60	.00
19	421.04 421.07	55116	17	2.3	0	55	.00
20	421.06 421.30	55943	21	2.1	0	440	.21
21	421.39 421.47	56558	20	2.1	0	332	.97
22	421.50 421.39	56268	42	2.1	247	145	.00
23	421.37 424.91	69726	31	2.0	328	7146	.22
24	425.61 426.15	74825	22	2.0	0	2595	2.38
25	426.15 426.55	76523	18	2.3	0	876	.11
26	426.72 426.80	77598	42	2.1	0	586	.00
27	426.95 427.00	78465	23	2.0	0	462	.00
28	427.14 427.15	79116	31	2.1	0	361	.19
29	427.31 427.70	81528	61	1.9	0	1279	.20
30	427.94 428.05	83082	11	2.0	0	796	1.02
31	428.20 428.22	83837	7	2.1	0	369	.00
Monthly total:							
(DSF)			700	64	3763	18626	7.74
(A-F)		27966	1389	126	7464	36945	



Project name:

Project name <sup>1</sup>	State and county	Stream <sup>1</sup>	Exclusive use				Multiple use				Authorizing legislation <sup>2</sup>
			Flood control/navigation		Flood control/navigation		Flood control/navigation		Flood control/navigation		
			Stor- age 1000 AF	Elev. limits feet M.S.L.	Area acres	Stor- age 1000 AF	Elev. limits feet M.S.L.	Area acres	Stor- age 1000 AF	Elev. limits feet M.S.L.	
			Upper	Lower	Upper	Lower	Upper	Lower	Upper	Lower	
Lower Mississippi Valley Division											
Algiers Lock	LA, Orleans Parish	GIWW		18.6		1.3					PL 79-14 and RHA Mar. 1945, FCA 1936.
Allon-Gale Levees	MO, Rails: IL, Madison	Mississippi River									FCA June 1936.
Arkabutla Lake	MS, DeSoto	Coldwater River	493.8	236.3	209.3						FCA June 1936.
Ascalmore-Tripp FG & Cont Str	MS, Tallahatchie	Ascalmore Creek		136.0	118.0						FCA May 1928.
Bayou Boeuf Lock	LA, St Mary Parish	GIWW		18.0	3.0						FCA Aug. 1941.
Bayou Cocodrie FG	LA, Cocodrie Parish	Bayou Cocodrie		48.0	13.0						FCA May 1928.
Bayou Corbreaux Drainage Str	LA, St Landry	Bayou Corbreaux		18.5	0						PL 391-70.
Bayou Darbonne Drainage Str	LA, St Landry	Bayou Darbonne		18.5	17.0						FCA May 1928.
Bayou Sorrel Lock	LA, Iberville Parish	GIWW		29.7	3.5						PL 74-839.
Berwick Lock	LA, St Mary Parish	Lower Atchafalaya River		21.4	2.0						FCA May 1928.
Birds Point-New Madrid Flyw	MO, New Madrid	Mississippi River		330.5	328.5						PL 74-839
Bodcau Lake	LA, Bossier Parish	Bayou Bodcau	357.3	199.5	157.0	21,000					FCA May 1928.
Bonnet-Carre Spillway, Lake Pontchartrain	LA, St Charles Parish	Mississippi River		24.0	16.0						PL 78-525.
Calcasieu Lock	LA, Calcasieu Parish	GIWW		3.2	2.8						RHA Oct 1962.
Calcasieu River Saltwater Barr	LA, Calcasieu	Calcasieu River		2.7	2.3						HD 582/87.
Callon Lock & Dam, PS	LA, Union	Ouachita River		75.1	63.6						RHA 1950.
Carlyle Lake	IL, Clinton	Kaskaskia Salt River						932.9	429.5	58,440	7,100
Cattfish Point Control Str	LA, Cameron	Mermentau River		1.2	1.2						FCA June 1938. FCA Aug. 1941.
Charenton FG	LA, St Mary	Grand Lake									RHA July 1954. FCA May 1928.
Clarence Cannon Rereg Dam	MO, Rails	Salt River		84.0	67.0						FCA June 1938.
Collins Cr FG & Control Str	MS, Warren	Collins Creek						840.0	498.8	1,000	50
Columbia DLD, PS	IL, Monroe	Long Slash Creek & IDD									FCA 1941.
Columbia Lock & Dam	LA, Calwell Parish	Connelly Bayou		52.0	34.0						FCA 1962.
Connelly Bayou	LA, Chicot	Cottonwood Slough		116.0	106.0						RHA 1950.
Cottonwood Slough	IL, Pulaski	Caddo River		340.5	345.0						FCA Aug. 1968.
DeGray Lake	AR, Clark	Caddo River		423.0	345.0			620.4	423.0	17,000	6,000
DeGray Reregulating Dam	AR, Clark	Caddo River		221.0	197.0			2.4	221.0	430	90
Ditch Bayou Dam	AR, Chicot	Ditch Bayou		106.0	93.0						FCA Aug. 1968.
Drainage Ditch No. 17 PS	AR, Mississippi	IDD and Streams		285.5							PL 885/84. RHA 1950.
East St Louis Area PS	IL, Madison, St Clair	Wax Lake Outlet Bayou Teche		3.0	3.0						RHA 1950.
East and West Calumet FG	LA, St Mary	Yacona River	602.4	288.0	230.0						RHA 1950
End Lake	MS, Yalobusha	Ouachita River		82.1	53.1						FCA Aug 1968, PL 90-483
Faithful Lock and Dam	AR, Union	Freshwater Bayou		8.2	4.6						FCA June 1936.
Faithful Lock and Dam	LA, Vermilion Parish	White River		174.8							FCA June 1936.
Faithful Lock and Dam	MS, Grenada	Yalobusha River, Skuna River		193.0	198.0						FCA June 1936.
Faithful Lock and Dam	AR, Jefferson	Harding Drain		206.2	198.0						FCA 1962.
Harrisonville and Ivy Landing DLD, PS	LA, Orleans	GIWW		18.8	1.3						FCA Mar 1925.
Harvey Lock	LA, Monroe	St Francis River		207.2	175.0						FCA May 1950.
Huxtable Pumping Station	IL, DePlaines, Grady	Black River		34.0	4.0						FCA 1962.
Jonesville Lock and Dam	LA, Catahoula Parish	Kaskaskia River		360.0	363.0						RHA 1950.
Kaskaskia River Navigation L&D	IL, Randolph	Bayou Teche		23.5							RHA 1962.
Keystone Bayou Teche L&D	LA, Martin Parish	Bayou Macon		118.2	90.0						RHA Mar. 1907.
Lake Chicot Pumping Plant	AR, Chicot	Salt River		536.0	436.9						FCA Aug. 1968.
Lake Clarence Cannon	MO, Rails	Little Missouri River		592.0	480.0						FCA June 1938.
Lake Graesson-Narrows Dam	AR, Pike	Ouachita River		85.0	80.0						FCA 1941.
Lake Ouachitas-Blakely Mt. Dam	AR, Garland	Kaskaskia River		58.5	40.0						FCA Dec. 1944.
Lake Shelbyville	LA, Shelby	Little Sunflower River		71.2	64.0						FCA July 1958.
Little Sunflower Control Str	MS, Issaquena	Red River		58.5	40.0						FCA 1941.
Lock and Dam 1	LA, Catahoula Parish	Red River		58.5	40.0						PL 90-483.
Lock and Dam 2-John H. Overton	LA, Rapides Parish	Red River		71.2	64.0						PL 90-483.
Lock and Dam 3	LA, Rapides Parish	Red River		95.0	91.5						PL 90-483.
Lock and Dam 4	LA, Natchitoches Parish	Red River		120.0	119.6						PL 90-483.
Lock and Dam 5	LA, Red River Parish	Red River		145.0	140.2						PL 90-483.
Lock and Dam 24	MO, Pike	Mississippi River		449.0	445.5						RHA July 1930.
Lock and Dam 25	MO, Lincoln	Mississippi River		434.0	429.7						RHA July 1930.
Lock and Dam 26	MO, St Charles	Mississippi River		49.7	43.0						RHA July 1930.
Lock and Dam 27, Chair of Rocks Canal	MO, St Louis	Mississippi River		107.1	419.0						RHA July 1930.
Long Branch FG Channel	LA, Catahoula	Catahoula Riv.		427.0	32.0						FCA May 1950.



## PERTINENT PROJECT DATA—Continued

Project name <sup>1</sup>	State and county	Stream <sup>1</sup>	Exclusive use				Multiple use				Authorizing legislation <sup>2</sup>
			Flood control/navigation		Area acres		Flood control/navigation		Area acres		
			Stor- age 1000 AF	Elev. limits feet M.S.L.	Upper	Lower	Stor- age 1000 AF	Elev. limits feet M.S.L.	Upper	Lower	
Lower Tchula Lake FG McKinney Bayou PS Morganza Control Str Muddy Bayou Control Str Old River Control Str Port Allen Lock Rend Lake Rocky Bayou FG Sardis Lake Schooner Bayou Snake Creek Structure Steele Bayou Control Str Tensas-Cocodrie Pumping Station Upper Tchula Lake FG Vermilion Lock Wallace Lake Wapapallico Lake Wasp Lake FG Wilson and Wankel and Prairie du Pont Wood River DLD Yazoo City PS	MS, Humphreys MS Tunica LA, Pointe Coupe Parish MS, Warren LA, W Feliciana Parish LA, Port Allen IL, Franklin MS, Sharkey MS, Panola LA, Vermilion MS, Humphreys MS, Issaquena LA, Concordia Parish MS, Humphreys LA, Vermilion MO, Caddo Parish MO, Wayne MS, Humphreys IL, Madison, St. Clair IL, Madison MS, Yazoo	Tchula Lake McKinney Bayou Morganza Floodway Muddy Bayou Old River GIWW Big Muddy River Rocky Bayou Little Tallahatchie River Schooner Bayou Snake Creek Steele Bayou Bayou Cocodrie Tchula Lake GIWW Cypress Bayou St. Francis River Wasp Lake-Bear Creek Palmer Creek and IDD Wood River and IDD Yazoo River		110.0 84.0 186.0 59.5 77.0 68.5 65.0 35.0 48.2 4.2 88.8 281.4 1.2 1.2 101.4 68.5 37.0 108.4 5.2 3.7 88.3 613.2 111.6 96.0	84.0 182.0 49.0 68.5 35.0 4.2 73.0 236.0 91.0 60.0 23.0 92.0 142.0 354.7 88.5 69.0			24,800 391.3 5,400		FCA June 1936, FCA July 1946, FCA May 1928, FCA Oct. 1965, PL 83-780, RHA July 1946, FCA Oct. 1962, FCA 1941, FCA June 1936, FCA Aug. 1941, FCA June 1936, FCA 1941, FCA Oct. 1965, FCA June 1936, PL 79-14, RHA Mar. 1945, PL 75-761, FCA June 1936, FCA June 1936, FCA 1962, FCA 1938, FCA 1965, FCA June 1936	
Missouri River Division											
Bear Creek Dam and Reservoir Big Bend Dam and Lake Sharpe Blue Springs Dam and Lake Blue Stem Lake and Dam 4 Bowman-Haley Dam and Reservoir Branched Oak Lake and Dam 18 Bull Hook Dam Cedar Canyon Dam Chaffald Dam and Reservoir Cherry Creek Dam and Reservoir Glenn Cunningham Lake Dam 11 Clinton Dam and Lake Cold Brook Dam and Reservoir Conestoga Lake and Dam 12 Cottonwood Springs Dam and Reservoir Fort Peck Dam and Reservoir Fort Randall Dam, Lake Francis Case Garrison Dam, Lake Sakakawea Gavins Point Dam, Lewis and Clark Lake Harlan County Dam and Lake Harry S. Truman Dam and Reservoir Hillsdale Dam and Lake Holmes Park Lake and Dam 17 Kanopolis Dam and Lake Kelly Road Dam Long Branch Dam and Lake Longview Dam and Lake Melvern Dam and Lake Milford Dam and Lake Oahe Dam and Lake Olive Cr Lake and Dam 2 Pawnee Lake and Dam 14 Perry Dam and Lake Pipstem Dam and Res Pomme De Terre Dam and Lake Rathbun Dam and Lake Pomona Dam and Lake Smithville Dam and Lake	CO, Jefferson SD, Lyman, Buffalo, Hughes MO, Jackson NE, Lancaster NE, Bowman NE, Lancaster MT, Hill SD, Pennington CO, Douglas CO, Arapahoe NE, Douglas KS, Douglas SD, Fall River NE, Lancaster SD, Fall River MT, Valley, McCone, Garfield SD, Gregory, Charles ND, Mercer, McLean SD, Yankton, NE, Knox NE, Harlan MO, Benton KS, Miami NE, Lancaster KS, Ellsworth CO, Arapahoe MO, Randolph MO, Jackson KS, Osage KS, Geary ND, 4 Counties, SD, 8 Counties NE, Lancaster NE, Lancaster KS, Jefferson ND, Stutsman MO, Polk IA, Appanoose KS, Osage MO, Clay	Bear Creek Missouri River Little Blue River Olive Bridge, Salt Creek North Fork Grand River Oak Creek Bull Hook Creek Scott, Coulee Deadman's Gulch South Platte Cherry Creek Little Papillon Creek Wakarusa River Cold Brook Holmes Creek Cottonwood Springs Creek Missouri River Missouri River Missouri River Missouri River Republican River Osage River Big Bull Creek Antelope Creek Smoky Hill River Westerly Creek Little East Fork, Charlton River Little Blue River Marais des Cygnes River Republican River Missouri River Olive Br of Salt Cr No. Middle Creek Delaware River Pipstem Creek Pomme De Terre River Charlton River 110 Mile Creek Clay Little Platte River	26.6 63.4 15.8 7.2 73.2 71.5 6.5 0.1 208.4 80.0 14.0 268.4 6.7 8.0 7.7 977.0 985.0 1,500.0 61.2 509.0 4,005.9 83.6 5.7 370.4 0.3 30.4 24.8 208.4 757.7 1,100.0 4.0 21.0 521.9 137.0 407.2 346.3 176.8 101.9	5,535.5 14,230 820.0 1,307.4 2,777.0 1,311.0 2,593.0 3,545.0 5,500.0 5,598.0 1,142.0 903.4 3,585.0 1,232.9 3,675.0 2,250.0 1,375.0 1,850.0 1,208.0 1,946.0 739.6 931.0 1,266.0 1,508.0 5,362.0 801.0 909.0 1,057.0 1,176.2 1,620.0 1,350.0 1,263.5 920.6 1,496.3 874.0 928.0 1,003.0 876.2	664 64,200 860 5,170 3,640 254.0 11 4,822 2,634 392 12,900 198 820 230 41 249,000 102,000 368,000 32,000 22,830 209,260 7,410 410 100 36 36 3,670 1,960 6,930 33,000 359,000 335 1,470 25,340 4,754 7,890 20,950 8,520 10,000 174 728 12,200 885 7,890 11,000 4,000 7,190	105 62,500 720 315 1,750 1,780 2 852 852 392 7,000 36 230 41 240,000 94,800 177,000 950 319.8 1,203.4 76.3 4,580 100 55.2 3,500 2,429 891.0 930 6,930 16,190 359,000 1,430.0 751.1 791.0 810.0 960.0 1,444.0 1,617.0 891.5 825.0 839.0 750.0 904.0 912.0 799.0	PL 80-669, PL 78-534, PL 90-483, PL 85-500, PL 87-874, PL 85-500, PL 78-534, PL 865, PL 80-669, PL 77-228, PL 78-594, PL 80-483, PL 90-483, PL 87-874, PL 77-228, PL 77-225, PL 85-500, PL 75-529, PL 78-534, PL 78-534, PL 78-534, PL 78-534, PL 77-228, PL 83-780, PL 85-500, PL 85-500, PL 77-228, PL 84-99, PL 89-298, PL 90-483, PL 83-780, PL 83-780, PL 78-534, PL 85-500, PL 85-500, PL 83-780, PL 89-298, PL 75-761, PL 83-780, PL 83-780, PL 89-298,				



## PERTINENT PROJECT DATA—Continued

Project name <sup>1</sup>	State and county	Stream <sup>1</sup>	Exclusive use				Multiple use				Authorizing legislation <sup>2</sup>	
			Flood control/navigation		Area acres		Flood control/navigation		Area acres			
			Stor- age 1000 AF	Elev. limits M.S.L.	Upper	Lower	Stor- age 1000 AF	Elev. limits M.S.L.	Upper	Lower		
Stagecoach Lk and Dam 9	NE, Lancaster	Hickman Br of Salt Creek	4.7	1,285.0	1,271.1	490	196					PL 85-500.
Standing Bear Lk and Dam 16	NE, Douglas	Trib. Big Papillon Creek	3.7	1,121.0	1,104.0	302	137					PL 90-483.
Stockton Dam and Lake	MO, Cedar	Sac River	779.6	892.0	867.0	38,290	24,780	887.1	760.0	24,780	0	PL 83-780.
Tuttle Creek Dam and Lake	KS, Riley	Big Blue River	1,941.7	1,136.0	1,075.0	54,050	15,830	192.3	993.0	15,830	0	PL 75-761.
Twin Lakes and Dam 13	NE, Seward	Middle Cr Salt Creek	5.3	1,355.0	1,341.0	505	255					PL 85-500.
Wagon Train Lake and Dam 8	NE, Lancaster	Hickman Br of Salt Creek	6.8	1,302.0	1,287.8	680	303					PL 85-500.
Wilson Dam and Lake	KS, Russell	Saline River	530.7	1,554.0	1,516.0	19,980	9,040	247.8	1,420.0	9,040	0	PL 78-534, PL 84-505.
North Atlantic Division												
Yankee Hill Lk and Dam 10	NE, Lancaster	Cardwell Br of Salt Creek	5.6	1,262.0	1,244.9	475	208					PL 85-500.
Almond Lake	NY, Steuben	Canadadea Creek	14.6	1,300.0	1,255.0	489	124	0.5	1,255.0	124	63	PL 74-738.
Arkport Dam	NY, Steuben	Canisteo River	8.0	1,304.0	1,218.0	192	0					PL 74-738.
Aylesworth Creek Lake	PA, Lackawanna	Aylesworth Creek	1.7	1,150.0	1,108.0	87	7					PL 87-874.
Beltville Dam and Lake	PA, Carbon, Monroe	Pohopoco Creek	27.0	651.0	628.0	1,411	947	39.8	628.0	947	113	PL 87-874.
Bloomington Lake	MD, Garrett	North Branch Potomac River	36.2	1,500.0	1,466.0	1,184	952	92.0	1,466.0	952	42	PL 87-874.
Blue Marsh Dam and Lake	PA, Lebanon, Berks	Tuiphenocken Creek	27.1	307.0	290.0	2,159	1,147	19.9	290.0	1,147	323	PL 87-874.
Alvin R. Bush Dam	PA, Clinton	Kettle Creek	73.4	937.0	840.0	1,430	160					FCA Sep 54.
Cowanessque Lk	PA, Tioga	Cowanessque River	82.0	1,117.0	1,045.0	2,060	410	5.6	1,045.0	410	180	PL 85-500.
Curwensville Lake	PA, Clearfield	West Branch Susquehanna River	114.7	1,228.0	1,162.0	3,020	790	4.6	1,162.0	790	540	FCA Sep 54.
East Sidney Lk	NY, Delaware	Outlet Creek	30.2	1,203.0	1,150.0	1,100	210	1.7	1,150.0	1,140.0	210	PL 74-738.
Foster Joseph Sayers Dam	PA, Centre	Bald Eagle Creek	70.2	657.0	630.0	34,500	1,730	22.5	630.0	610.0	1,730	FCA Sep 54.
Francis E. Walter Dam, Res	PA, Carbon, Luzerne, Monroe	Lehigh River	108.7	1,450.0	1,300.0	1,830	80	80.0			630	PL 79-526.
Gathright Dam and Lake Moomaw	VA, Allegheny, Bath	Jackson River	79.90	1,610.0	1,582.0	3,160	2,530	60.7	1,582.0	2,530	1,780	PL 79-526.
General Edgar Jawdin Dam	PA, Wayne	Dyberry Creek	24.5	1,053.0	973.0	659	0					PL 80-858.
Prompton Dam and Reservoir	PA, Wayne	W Br Lackawanna River	48.5	1,205.0	1,125.0	910	290					PL 89-858.
Raystown Lake	PA, Huntingdon	Raystown Bridge	248.0	812.0	786.0	10,800	8,300	514.0	786.0	8,300	150	PL 87-874.
Stillwater Lk	PA, Susquehanna	Lackawanna River	11.6	1,621.0	1,572.0	422	83					PL 77-228.
Tioga-Hammond Lakes	PA, Tioga County	Tioga River										PL 85-500.
a. Hammond			54.2	1,131.0	1,086.0	1,770	680	6.0	1,086.0	1,075.0	680	
b. Tioga			52.5	1,131.0	1,081.0	1,630	470	7.3	1,081.0	1,060.0	470	
Whitney Point Lake	NY, Broome	Otselic River	66.5	1,010.0	973.0	3,340	1,200	2.5	973.0	966.0	1,200	PL 74-738.
York Indian Rock Dam	PA, York	Codorus Creek	28.0	435.0	370.0	1,430	0				930	PL 74-738.
North Central Division												
Baldhill Dam and Res	ND, Barnes	Sheyenne River		539.0				70.6	1,266.0	1,262.5	5,430	FCA Dec 1944.
Brandon Road Lock and Dam	IL, Will	Illinois River		703.6	698.7							PL 71-126.
Cedars Lock and Dam	WI, Outagamie	Fox River						458.8	712.0	670.0	1,820	RHA of 1882; 1885.
Coralville Dam and Res	IA, Johnson	Iowa River		591.0	586.7							PL 75-761.
Depree Lock and Dam	WI, Brown	Fox River		505.0								PL 71-126.
Dresden Island Lock and Dam	IL, Grundy	Illinois River										FCA of 1958.
Eau Claire Dam and Res	WI, Pierce	Eau Claire River						1.6	940.0	938.5	1,350	PL 78-534.
Farmdale Dam	IL, Tazewell	Farm Creek	11.3	616.0	551.0	385	0					PL 78-534.
Fondulac Dam	IL, Tazewell	Fondulac Creek	2.3	579.0	530.0	97	0					PL 78-534.
Gull Lake Dam and Res	MN, Cass	Gull River										PL 78-534.
Highway 75 Dam and Res	MN, Bigstone, Lac qui Parle	Minnesota River						71.6	1,194.0	1,192.8	12,869	RHA of 1889.
Homme Dam and Res	ND, Walsh	Park River						11.1	923.3	947.3	910	FCA of Oct 1965.
Lac qui Parle Dam and Res	MN, Chippewa, Swift	Minnesota River						3.7	1,080.0	1,074.0	190	FCA of 22 Dec 1944.
Lagrange Lock and Dam	IL, Brown	Illinois River		429.0				122.8	941.1	931.2	13,500	FCA of 22 Jun 1936.
Leech Lake Dam and Res	MN, Cass	Leech River										PL 73-184.
Little Chute Lock and Dam	WI, Outagamie	Fox River		694.2	688.9			641.5	1,295.7	1,293.2	138,289	RHA of 1882; 1895.
Little Kaukauna Lock and Dam	WI, Outagamie	Fox River		601.0	592.8							RHA of 1882; 1885.
Lock and Dam 1	MN, Hennepin, Ramsey	Mississippi River	7.7	725.1	722.8	5,800						RHA of 1910.
Lock and Dam 2	MN, Dakota, Wash	Mississippi River	35.9	687.2	666.0	11,810						RHA of 1927.
Lock and Dam 3	MN, Goodhue, Pierce	Mississippi River	143.1	675.0	674.0		17,950					RHA of 1930.
Lock and Dam 4	WI, Wabasha, Buffalo	Mississippi River	282.4	667.0	666.5	38,820						RHA of 1930.
Lock and Dam 5	MN, Winona, Buffalo	Mississippi River	29.9	660.0	659.5	12,580						RHA of 1930.
Lock and Dam 5A	MN, Winona, Buffalo	Mississippi River	15.0	651.0	650.0	7,000						RHA of 1930.
Lock and Dam 6	MN, Winona	Mississippi River	21.0	645.5	644.5	8,870						RHA of 1930.
Lock and Dam 7	MN, Winona, WI, LaCrosse	Mississippi River	37.3	639.0	639.0	13,440						RHA of 1930.
Lock and Dam 8	MN, Houston, WI, Vernon	Mississippi River	54.7	631.0	630.0	20,800						RHA of 1930.
Lock and Dam 9	WI, Crawford, IA, Allamakee	Mississippi River	92.4	620.0	619.0	66,610						RHA of 1930.
Lock and Dam 10	IA, Clayton, WI, Grant	Mississippi River	58.3	611.0	610.0	79,370						RHA of 1930.
Lock and Dam 11	IA, Dubuque	Mississippi River	150.0	603.1	602.0	21,100						RHA of 1930.
Lock and Dam 12	IA, Jackson	Mississippi River	90.0	592.1	591.0	13,000						PL 71-520.
Lock and Dam 13	IL, Whiteside	Mississippi River	164.0	583.1	582.0	30,000						PL 71-520.
Lock and Dam 14	IA, Scott	Mississippi River	80.0	572.1	571.0	10,500						PL 71-520.



## Authorizing legislation <sup>2</sup>

[illegible]



## PERTINENT PROJECT DATA—Continued

Project name <sup>1</sup>	State and county	Stream <sup>1</sup>	Exclusive use				Multiple use				Authorizing legislation <sup>2</sup>		
			Flood control/navigation			Stor- age 1000 AF	Flood control/navigation			Stor- age 1000 AF			
			Elev. limits feet M.S.L.	Upper	Lower		Area acres	Upper	Lower			Area acres	
North Pacific Division													
Albeni Falls Dam, Lake Pend Oreille.....	ID, Bonner.....	Pend Oreille River.....										PL 81-516.	
Applegate Lake.....	OR, Jackson.....	Applegate River.....	65.2	1,987.0	1,889.0	988	369	2,062.5	2,049.7	95,000	86,000	211	HD 566, PL 87-874.
Big Cliff Dam.....	OR, Marion, Linn.....	North Santiam River.....						1,987.0	1,854.0	988	130	98	HD 544, PL 75-761.
Blue River Lake.....	OR, Lane.....	Blue River.....	6.7	1,357.0	1,350.0	975	940	1,206.0	1,182.0	130	940	130	HD 531, PL 81-516.
Bonneville L&D, Lake mah.	WA, Skamania, OR, Multno- mah.	Columbia River.....						1,350.0	1,180.0	940	19,850	19,850	PW 1933.
Chena River Lakes.....	AK, North Star, Borough.....	Chena River.....	225.0	529.0	490.0	1,300	400	77.0	70.0	20,800			PL 90-483.
Chief Joseph Dam, Rufus Woods Lake.....	WA, Douglas, Okanogan.....	Columbia River.....						956.0	930.0	7,850	6,800		HD 693, PL 79-525
Cottage Grove Lake.....	OR, Lane.....	Coast Fork, Willamette River.....	1.1	791.0	790.0	1,155	1,135	790.0	750.0	1,135	295	295	HD 544, PL 75-761.
Cougar Lake.....	OR, Lane.....	South Fork, McKenzie River.....	11.3	1,699.0	1,690.0	1,280	1,235	1,690.0	1,532.0	1,235	635	635	HD 531, PL 81-516.
Detroit Lake.....	OR, Marion, Linn.....	North Santiam River.....	19.1	1,569.0	1,563.5	3,490	3,455	1,563.5	1,450.0	3,455	1,725	1,725	HD 544, PL 75-761.
Dexter Dam.....	OR, Lane.....	Middle Fork, Willamette River.....						695.0	690.0	990	940	940	HD 544, PL 75-761.
Dorena Lake.....	OR, Lane.....	Row River.....	5.5	835.0	832.0	1,885	1,815	832.0	770.5	1,815	520	520	HD 544, PL 75-761.
Dworshak dam and Reservoir.....	ID, Clearwater.....	North Fork, Clearwater River.....						1,600.0	1,445.0	17,090	9,050	9,050	HD 544, PL 87-874.
Fall Creek Dam and Lake.....	OR, Lane.....	Fall Creek.....	7.3	834.0	830.0	1,865	1,760	208.0	206.0	1,760	460	460	HD 531, PL 81-516.
Fern Ridge Lake.....	OR, Lane.....	Long Tom River.....	15.7	375.1	373.5	10,305	9,340	830.0	728.0	1,760	480	480	HD 531, PL 81-516.
Forster Lake.....	OR, Linn.....	South Santiam River.....	4.9	641.0	736.0	1,260	1,195	637.0	613.0	1,195	895	895	HD 544, PL 75-761.
Green Peter Lake.....	OR, Linn.....	Middle Fk, Santiam River.....	18.3	1,015.0	1,010.0	3,705	3,605	249.9	249.0	3,605	2,072	2,072	HD 531, PL 81-516.
Hills Creek Lake.....	OR, Lane.....	Middle Fk, Willamette River.....	5.6	1,543.0	1,541.0	2,850	2,710	194.6	154.0	1,448.0	2,710	1,575	HD 531, PL 81-516.
Howard Hanson Dam.....	WA, King.....	Green River.....						28.0	1,141.0	1,040.0	763	13	HD 531, PL 81-516.
Ice Harbor Dam, Lake Sacajawaea.....	WA, Walla Walla, Franklin.....	Snake River.....						24.9	440.0	437.0	8,370	8,210	HD 704, PL 79-14.
John Day Dam, Lake Umatilla.....	OR, Sherman, WA, Klickitat.....	Columbia River.....	500.0	268.0	257.0	55,000	42,000	150.0	265.0	282.0	52,000	49,000	HD 531, PL 81-516.
Libby Dam, Lake Kootenai.....	MT, Lincoln.....	Kootenai River.....						4,879.5	2,459.0	2,287.0	46,365	14,391	HD 531, PL 81-516.
Little Goose L&D, Lake Bryan.....	WA, Columbia, Whitman.....	Snake River.....						49.0	638.0	633.0	10,030	9,820	HD 704, PL 79-14.
Lookout Point Lake.....	OR, Lane.....	Middle Fk, Willamette River.....	12.8	929.0	926.0	4,315	4,255	324.2	926.0	825.0	4,255	2,080	HD 544, PL 75-761.
Lower Granite L&D, Lake.....	OR, Jackson.....	Rogue River.....	45.0	1,872.0	1,812.0	3,430	2,600	315.0	1,872.0	1,751.0	3,430	1,800	HD 566, PL 87-874.
Lower Monumental L&D, Lake HG West.....	WA, Garfield, Whitman.....	Snake River.....						43.6	738.0	733.0	8,900	8,540	HD 704, PL 79-14.
Lucky Peak Dam and Lake.....	WA, Walla Walla, Franklin.....	Snake River.....						20.0	540.0	537.0	6,700	6,550	HD 704, PL 79-14.
McNary L&D, Lake Wallula.....	ID, Ada.....	Boise River.....						278.0	3,060.0	2,905.0	2,817	802	PL 79-526.
Mill Creek Dam, Lake.....	WA, Benton, OR, Umatilla.....	Columbia River.....	7.5	1,265.0	1,205.0	225	53	185.0	340.0	335.0	32,800	36,000	HD 704, PL 79-14.
Mud Mountain Dam.....	WA, Walla Walla.....	White River.....	106.3	1,215.0	895.0	963	0	5	1,204.0	1,195.0	53	40	HD 578, PL 75-761.
The Dalles L&D, Lake Celilo.....	WA, King, Pierce.....	Columbia River.....											PL 74-738.
Wynoochee Dam and Lake.....	WA, Klickitat, OR, Wasco.....	Wynoochee River.....						52.5	160.0	155.0	11,200	10,350	HD 531, PL 81-526.
	WA, Grays Harbor.....							65.4	800.0	700.0	1,120	221	HD 601, PL 99-251.
Ohio River Division													
Allegheny Lake and Dam No. 2.....	PA, Allegheny.....	Allegheny River.....		721.0	710.0								RHA 1935.
Allegheny Lake and Dam No. 3.....	PA, Allegheny.....	Allegheny River.....		734.5	721.0								RHA 1935.
Allegheny Lake and Dam No. 4.....	PA, Allegheny, Westmoreland.....	Allegheny River.....		745.0	734.5								RHA 1921.
Allegheny Lake and Dam No. 5.....	PA, Armstrong.....	Allegheny River.....		756.8	745.0								RHA 1912.
Allegheny Lake and Dam No. 6.....	PA, Armstrong.....	Allegheny River.....		769.0	756.8								RHA 1912.
Allegheny Lake and Dam No. 7.....	PA, Armstrong.....	Allegheny River.....		782.1	769.0								RHA 1912.
Allegheny Lake and Dam No. 8.....	PA, Armstrong.....	Allegheny River.....		800.0	782.1								RHA 1912 and 1935.
Allegheny Res. Kinzua Dam.....	PA, Warren.....	Allegheny River.....	607.0	1,365.0	1,328.0	21,180	12,080	549.0	1,328.0	1,240.0	12,080	1,900	PL 74-738.
Atwood Lake.....	OH, Delaware.....	Alum Creek.....	53.1	901.0	888.0	4,852	3,387	79.2	888.0	841.5	3,387	312	PL 87-874.
Barkley Dam, Lake Barkley.....	OH, Tuscarawas.....	Indian Fork Creek.....	26.1	941.0	928.0	2,460	1,540	7.6	928.0	822.5	1,540	1,250	PW 1933.
Barren River Lake.....	KY, Lyon, Livgt.....	Cumberland River.....	1,213.0	375.0	359.0	9,343.0	57,920	359.0	359.0	354.0	57,920	45,210	PL 79-525
Beech City Lake.....	KY, Allen, Barren.....	Barren River.....	558.8	590.0	552.0	20,150	10,000	190.3	552.0	525.0	10,000	4,340	PL 75-261.
Beech Fork Lake.....	OH, Tuscarawas.....	Sugar Creek.....	68.9	976.5	965.0	6,150	725	50	948.0	948.0	420	420	PW 1933.
Belleville Lake and Dam.....	WV, Wayne.....	Beech Fork Creek.....	28.3	614.5	592.0	1,847	725	5.0	592.0	583.5	725	460	PL 87-874.
Berlin Lake.....	WV, Wood, OH, Meigs.....	Ohio River.....		582.0	560.0								RHA 1909.
Bluestone Lake.....	OH, Mahoning, Portage.....	Mahoning River.....	38.3	1,032.0	1,024.7	5,500	3,590	56.6	1,024.7	980.0	3,590	240	PL 75-761.
Bolivar Dam.....	OH, Summers.....	New River.....	592.6	1,520.0	1,410.0	9,180	2,040	7.5	1,410.0	1,406.0	2,040	1,800	PL 74-738; PL 75-761.
Brookville Lake.....	IN, Franklin.....	Sandy Creek.....	149.6	962.0	950.0	6,500			895.0	895.0		0	PW 1933.
Buckhorn Lake.....	KY, Leslie.....	E. Fork of White River.....	175.6	775.0	748.0	7,790	5,260	128.4	748.0	713.0	5,260	2,430	PL 75-761.
Burnsville Lake.....	WV, Braxton.....	Middle Fork of Kentucky River.....	135.8	840.0	782.0	3,610	1,230	10.2	782.0	776.0	1,230	550	PL 75-761.
Caesar Creek Lake.....	OH, Warren.....	L. Kanawha River.....	51.5	825.0	789.0	1,902	965	10.2	789.0	757.0	965	553	PL 75-761.
Cagles Mill Lake.....	IN, Putnam.....	Caesar Creek.....	140.2	883.0	849.0	6,110	2,830	88.7	849.0	800.0	2,830	700	PL 75-761.
Cannelton Lake and Dam.....	IN, Hancock, IN, Perry.....	Mill Creek.....	201.0	704.0	690.0	4,840			636.0	636.0		1,400	PL 75-761.
Carr Fork Lake.....	KY, Knott.....	Ohio River.....		383.0	358.0								RHA 1909.
Cave Run Lake.....	KY, Rowan.....	Carr Creek.....	25.1	1,055.0	1,027.0	1,120	710	10.8	1,027.0	1,008.0	710	530	PL 87-874.
C. M. Harden Lake.....	IN, Parke.....	Licking River.....	391.5	765.0	730.0	1,487	6,270	75.3	730.0	627.0	6,270	6,790	PL 74-738.
		Raccoon Creek.....	83.5	890.0	661.0	3,910	2,060	33.1	661.0	640.0	2,060	1,100	PL 75-761.



## PERTINENT PROJECT DATA—Continued

Project name	State and county	Stream	Exclusive use				Multiple use				Authorizing legislation <sup>2</sup>		
			Flood control/navigation				Flood control/navigation						
			Storage age 1000 AF	Elev. limits feet M.S.L.		Area acres		Storage age 1000 AF	Elev. limits feet M.S.L.			Area acres	
				Upper	Lower	Upper	Lower		Upper	Lower		Upper	Lower
TN, DeKalb Center Hill Lake Charles Mill Lake Cheatham Lake and Dam C. J. Brown Dam and Reservoir Clenching Lake Conecogue River, Lake Cordell Hull Dam and Reservoir Crooked Creek Lake Dale Hollow Lake Dashields Lock and Dam Deer Creek Lake Delaware Lake Dowey Lake Dillon Lake Douglas Lake E. Branch Clarion River Lake E. Fork Little Miami River E. Fork Twelve-mile Creek East Lynn Lake Emsworth Lock and Dam Fishtrap Lake Gallipolis Lock and Dam Grayson Lake Green River Lock and Dam No. 1 Green River Lock and Dam No. 2 Greenup Lock and Dam No. 3 Hannibal Lock and Dam Hildebrand Lock and Dam Huntington Lake J. Percy Priest Dam and Reservoir Kentucky River Lock and Dam No. 1 Kentucky River L&D No. 2 Kentucky River L&D No. 3 Kentucky River L&D No. 4 Laurel River Lake Leesville Lake London L&D Loyalhanna Lake Mahoning Creek Lake Markland L&D Marinet L&D Martins Fork Lake Maxwell L&D McAupine L&D Meldan L&D Missisnewa Lake M. J. Kirwan Dam and Reservoir Mohawk Dam Morgan L&D Morganville Dam Monongahela River L&D No. 2 Monongahela River L&D No. 3 Monongahela River L&D No. 4 Monongahela River L&D No. 7 Monore Lake Montgomery Island L&D Morgantown L&D Mosquito Creek Lake Nolin Lake Newburgh L&D Newcomberland L&D N. Br Kokosing River Lake N. F. Pound River Ohio River L&D No. 52	PA, Indiana, Westmoreland TN, Smith PA, Armstrong TN, Clay PA, Allegheny OH, Pickaway OH, Delaware KY, Floyd OH, Muskingum OH, Tuscarawas PA, Elk OH, Clermont PA, Wayne PA, Allegheny KY, Pike WV, Mason OH, Gallia KY, Carter KY, Taylor KY, Henderson KY, McLean KY, Greenup, OH, Scioto WV, Wetzel, OH, Monroe WV, Monongalia IN, Hunt TN, Davidson VA, Dickenson KY, Carroll KY, Henry, Owen KY, Henry, Owen KY, Franklin KY, Laurel, Whitley OH, Carroll WV, Kanawha PA, Westmoreland PA, Armstrong IN, Switzerland WV, Kanawha KY, Harlan PA, Fayette, Washington KY, Jefferson, IN, Clark KY, Bracken, OH, Clermont IN, Miami IN, Miami OH, Portage OH, Coshocton OH, Ashland PA, Allegheny PA, Allegheny PA, Washington, Westmoreland PA, Washington, Fayette IN, Monroe PA, Beaver WV, Monongahela OH, Trumbull KY, Edmonson KY, Edmonson WV, Hancock, OH, Jefferson VA, Knox VA, Wise KY, McCracken, IL, Massac	Caney Fork Black Fork Cumberland River Buck Creek Brush Fork Conecogue River Cumberland River Crooked Creek Obay River Ohio River Deer Creek Orientsangy River Johns Creek Licking River Tuscarawas River E. Branch Clarion E. Fork Little Miami River E. Fork Twelve-mile Creek Ohio River Levisa Fork Ohio River L. Sandy River Green River Green River Green River Ohio River Ohio River Monongahela River Wabash River Stones River Pound River Kentucky River Kentucky River Kentucky River Laurel Creek McGuire Creek Kanawha River Loyalhanna Creek Mahoning Creek Ohio River Kanawha River Martins Fork of Clover River Monongahela River Ohio River Ohio River Missisnewa River W. Br Mahoning River Walhonding River Lake Fork Monongahela River Monongahela River Monongahela River Monongahela River Salt Creek Ohio River Monongahela River Mosquito Creek Nolin River Ohio River North Br of Kokosing River N. F. Pound River Ohio River	762.0 80.6 385.0 26.8 27.5 270.0 89.4 933.0 81.5 118.0 76.1 266.5 203.0 19.0 202.2 55.3 701.0 892.0 825.0 757.0 538.0 681.0 713.0 349.1 337.3 353.4 515.0 623.0 835.0 140.6 252.0 78.6 440.0 457.1 470.4 977.5 977.5 614.0 975.0 1,162.0 465.0 590.0 1,310.0 763.0 420.0 485.0 779.0 22.0 285.0 102.0 718.7 726.9 743.5 776.0 556.0 862.0 814.0 904.0 560.0 358.0 664.5 1,146.0 1,644.0 302.0	648.0 1,020.0 385.0 1,023.0 910.5 975.0 544.0 920.0 683.0 692.0 844.0 915.0 866.0 790.0 916.0 1,695.0 795.0 701.0 892.0 825.0 757.0 538.0 681.0 713.0 349.1 337.3 353.4 515.0 623.0 835.0 786.0 440.0 457.1 470.4 977.5 977.5 614.0 975.0 1,162.0 465.0 590.0 1,310.0 763.0 420.0 485.0 779.0 22.0 285.0 102.0 718.7 726.9 743.5 776.0 556.0 862.0 814.0 904.0 560.0 358.0 664.5 1,146.0 1,644.0 302.0	23,060 6,050 2,720 2,120 2,820 1,940 30,990 4,046 8,550 3,440 10,280 10,100 1,370 4,600 2,351 2,681 1,131 3,633 19,100 2,098 421.8 3,280 2,370 465.0 590.0 1,310.0 763.0 383.0 455.0 737.0 3,240 7,950 6,800 710.0 718.7 726.9 743.5 776.0 556.0 862.0 814.0 904.0 560.0 358.0 664.5 1,146.0 1,644.0 302.0	18,220 1,350 2,120 1,800 6,820 27,700 27,700 1,277 8,550 1,100 1,560 10,100 1,160 4,600 2,351 2,681 1,131 3,633 19,100 2,098 421.8 3,280 2,370 465.0 590.0 1,310.0 763.0 383.0 455.0 737.0 3,240 7,950 6,800 710.0 718.7 726.9 743.5 776.0 556.0 862.0 814.0 904.0 560.0 358.0 664.5 1,146.0 1,644.0 302.0	492.0 4.5 26.9 8.0 496.0 496.0 14.6 5.5 4.9 4.4 64.3 73.6 5.5 27.2 14.0 146.0 5.5 5						



## PERTINENT PROJECT DATA—Continued

Project name <sup>1</sup>	State and county	Stream <sup>1</sup>	Exclusive use				Multiple use				Authorizing legislation <sup>2</sup>
			Flood control/navigation		Area acres		Flood control/navigation		Area acres		
			Stor- age 1000 AF	Elev. limits M.S.L.	Upper	Lower	Stor- age 1000 AF	Elev. limits M.S.L.	Upper	Lower	
Ohio River L&D No. 53.....	KY, Ballard, IL, Pulaski.....	Ohio River.....	188.0	290.0	276.6	27,450	19,550				RHA 1909, 1910, 1918.
Old Hickory L&D.....	TN, Davidson.....	Cumberland River.....		450.0	442.0						RHA 1946.
Opeliska L&D.....	WV, Monongahela.....	Monongahela River.....		857.0	835.0						RHA 1950.
Paint Creek Lake.....	OH, Ross, Highland.....	Paint Creek.....	124.7	845.0	798.0	4,761	1,190	786.0	1,190	710	PL 75-761.
Patoka Lake.....	IN, DuBois.....	Patoka River.....	121.1	548.0	536.0	11,300	8,880	506.0	8,880	2,010	PL 89-298.
Piedmont Lake.....	OH, Harrison.....	Stillwater Creek.....	32.2	924.6	913.0	3,170	2,310	909.0	2,310	1,987	PW 1933.
Pike Island L&D.....	WV, Ohio, OH, Belmont.....	Ohio River.....		644.0	623.0						RHA 1909.
Pleasant Hill Lake.....	OH, Ashland.....	Clear Fork.....	74.2	1,065.0	1,020.0	2,600	850	1,12.5	850	627	PW 1933.
Racine L&D.....	WV, Mason, OH, Meigs.....	Ohio River.....		560.0	538.0						RHA 1909.
R. D. Bailey Lake.....	WV, Mingo, Wyoming.....	Guyandot.....	169.5	1,155.0	1,035.0	2,850	630	1,012.0	630	440	PL 87-874.
Rough River Lake.....	KY, Grayson, Breckinridge.....	Rough River.....	214.4	524.0	495.0	10,260	5,100	470.0	5,100	2,180	PL 75-761.
Salamonie Lake.....	IN, Wabash.....	Salamonie River.....	202.9	793.0	755.0	9,340	2,860	730.0	2,860	976	PL 85-500.
Senecaville Lake.....	OH, Guernsey.....	Seneca Fork.....	45.1	842.5	832.2	5,170	3,550	828.2	3,550	2,912	PW 1933.
Shenango River Lake.....	PA, Mercer.....	Shenango River.....	151.0	919.0	896.0	11,090	3,560	885.0	3,560	1,910	PL 75-761.
Smithland L&D.....	KY, Livingston, IL, Pope.....	Ohio River.....		324.0	302.0						RHA 1909.
Summersville Lake.....	WV, Nicholas.....	Gauley River.....	221.9	1,710.0	1,652.0	4,913	2,790	1,535.0	2,790	514	PL 75-761.
Sutton Lake.....	WV, Braxton.....	Elk River.....	201.2	1,000.0	925.0	3,875	1,520	850.0	1,520	270	PL 75-761.
Tappan Lake.....	OH, Harrison.....	L. Stillwater Creek.....	26.5	909.0	899.3	3,100	2,350	894.0	2,350	1,960	PW 1933.
Tonesta Lake.....	PA, Forest.....	Tonesta Creek.....	125.6	1,170.0	1,170.0	2,770		1,085.0		480	PL 74-738; PL 75-761.
Tom Jenkins Dam, Burr Oak Lake.....	OH, Athens.....	E. Br Sandy Creek.....	17.6	740.0	721.0	1,192	644	721.0	664	384	FCA 1944; PL 78-534.
Tygart Lake.....	WV, Taylor.....	Tygart River.....	178.1	1,670.0	1,094.0	3,430	1,740	1,094.0	1,740	620	PWA 1934.
Union City Res.....	PA, Erie.....	French Creek.....	47.6	1,278.0		2,290					PL 87-874.
Uniontown L&D.....	KY, Union, IN, Posey.....	Ohio River.....		342.0	324.0						RHA 1909.
W. F. Mill Cr. Winton Woods Lake.....	OH, Hamilton.....	W. Fork Mill Creek.....	9.8	702.0		557		675.0		183	PL 79-526.
Willow Island L&D.....	WV, Pleasants, OH, Washing- ton.....	Ohio River.....		602.0	582.0						RHA 1909.
Willis Creek Lake.....	OH, Coshocton, Muskingum.....	Willis Creek.....	190.0	779.0		1,450		742.0		900	PW 1933.
Winfield L&D.....	WV, Putnam.....	Kanawha River.....		566.0	538.0						RHA 1935.
Wolf Cr Dam, Lake Cumberland.....	KY, Russell.....	Cumberland River.....	2,094.0	760.0	723.0	63,530	50,250	723.0	50,250	35,820	PL 75-761.
Woodcock Cr Lake.....	PA, Crawford.....	Woodcock Creek.....	15.0	1,209.0	1,181.0	755	325	1,181.0	325	100	FCA 1962.
Youghiogheny River Lake.....	PA, Fayette.....	Youghiogheny River.....	99.5	1,470.0	1,439.0	3,570	2,840	1,439.0	2,840	450	FCA 1938.
South Atlantic Division											
Aberdeen Lock, Dam and Res.....	MI, Monroe.....	Tombigbee River.....	3.9	190.5	189.5	4,359	3,883				PL 79-525.
Aliceville Lock, Dam and Res.....	AL, Pickens.....	Tombigbee River.....	7.6	136.5	135.5	8,655	7,945				PL 79-525.
Allatoona Dam and Reservoir.....	GA, Barrow.....	Etowah River.....	302.6	860.0	840.0	19,201	11,862				PL 77-228.
G.W. Andrews Lock Dam and Res.....	AL, Houston, GA Early.....	Chattahoochee River.....	6.2	102.0	96.0	1,540	1,190				PL 79-14.
John Hollis Bankhead L&D and Res.....	AL, Tuscaloosa.....	Black Warrior River.....									PL 60-168.
Bay Springs Lock, Dam and Res.....	MI, Tishomingo.....	Tombigbee River.....	6.7	414.5	413.5	6,615		25.0	9,245	8,730	PL 79-525.
Bulford Dam, Lake Sidney Lanier.....	GA, Forsyth, Gwinnett.....	Chattahoochee River.....	598.8	1,085.0	1,071.0	47,182	38,542	1,071.0	38,542	38,024	PL 79-14.
Carters Dam and Reservoir.....	GA, Murray.....	Cossawattie River.....	89.2	1,099.0	1,074.0	3,880	3,275				PL 79-14.
Claiborne Lock, Dam and Res.....	AL, Monroe.....	Alabama River.....	16.6	35.0	32.0	5,930	5,210				PL 79-14.
Clarks Hill Dam and Lake.....	GA, Columbia, SC, McCormick.....	Savannah River.....	390.0	335.0	330.0	78,500	70,000				PL 78-534.
Coffeeville Lock, Dam and Res.....	AL, Clark, Choctaw.....	Tombigbee River.....	19.9	32.5	30.0	6,500	7,500				PL 60-317.
Columbus Lock, Dam and Res.....	MI, Lapeer.....	Tombigbee River.....	8.5	163.5	162.5	9,875	8,500				PL 79-525.
Dempolis Lock, Dam and Res.....	AL, Sumter, Marengo.....	Tombigbee River.....	45.0	76.0	73.0	14,800	10,000				PL 60-317.
Falls Dam and Lake.....	NC, Wake.....	Neuse River.....	244.3	264.0	250.0	22,860	12,400				PL 89-298.
Gainesville Lock, Dam and Res.....	AL, Sumter, Greene.....	Tombigbee River.....	5.8	109.5	108.5	6,920	5,800				PL 79-525.
W. F. George Lock, Dam and Res.....	GA, Clay, AL, Henry.....	Chattahoochee River.....						190.0	184.0	45,181	PL 81-516.
Hartwell Dam and Lake.....	GA, Hart, SC, Anderson.....	Savannah River.....	293.0	665.0	660.0	61,400	56,000			36,375	PL 81-516.
Holt Lock, Dam and Res.....	AL, Tuscaloosa.....	Black Warrior River.....						187.0	186.0	3,296	PL 60-317.
Inglis Dam and Lake Rousseau.....	FL, Levy, Citrus.....	Cross FL Barge Canal.....	13.0	27.5	24.0	4,030	2,040				PL 77-675.
James Bluff Lock, Dam and Res.....	AL, Autauga, Lowndes.....	Alabama River.....						125.8	122.0	13,300	PL 79-14.
B. Everett Jordan Dam and Lake.....	NC, Chatham.....	Haw River.....	438.4	240.0	216.0	32,000	14,300			10,470	PL 88-253.
John H. Kerr Dam and Res.....	VA, Mecklenburg.....	Roanoke River.....	1,281.4	320.0	300.0	83,200	48,900				PL 78-534.
Lock A.....	MI, Monroe.....	Tombigbee River.....	0.9	220.5	219.5	961	850				PL 79-525.
Lock B.....	MI, Monroe.....	Tombigbee River.....	2.7	245.5	244.5	2,841	2,615				PL 79-525.
Lock C.....	MI, Iawamba.....	Tombigbee River.....	1.6	270.5	269.5	1,676	1,586				PL 79-525.
Lock D.....	MI, Iawamba, Prentiss.....	Tombigbee River.....	2.0	300.5	299.5	2,021	1,959				PL 79-525.
Lock E.....	MI, Iawamba, Prentiss.....	Tombigbee River.....	0.9	330.5	329.5	889	821				PL 79-525.
Millers Ferry Lock, Dam and Res.....	AL, Wilcox.....	Alabama River.....						80.8	79.0	18,530	PL 79-14.
Okatibbee Dam and Res.....	MI, Lauderdale.....	Okatibbee Cr. Chickasawhay River.....	46.5	352.0	343.0	6,580	3,800			16,160	PL 87-874.



## Project name '

Project name <sup>1</sup>	State and county	Stream <sup>1</sup>	Exclusive use			Multiple use				Authorizing legislation <sup>2</sup>			
			Flood control/navigation			Flood control/navigation							
			Storage 1000 AF	Elev. limits feet M.S.L.	Area acres	Storage 1000 AF	Elev. limits feet M.S.L.	Area acres					
			Upper	Lower	Upper	Lower	Upper	Lower	Upper	Lower			
Lake Okeechobee.....	FL, Okeechobee, Glades, Hendry, Palm Beach, Martin.	Central and southern FL.....	3,388.0	24.9	17.5	490,000	454,900	2,859.0	17.5	10.5	454,900	328,000	PL 71-520, PL 75-392, PL 79-14, PL 80-858, PL 83-780, PL 90-483.
Philpott Dam and Lake.....	VA, Henry.....	Smith River.....	81.1	998.0	974.0	4,062	2,880						PL 78-534.
Randleman Dam and Lake.....	NC, Randolph.....	Deep River.....	46.0	694.0	682.0	4,710	3,045						PL 90-483.
R. B. Russell Dam and Lake.....	GA, Elbert, SC, Abbeville.....	Savannah River.....	140.0	480.0	475.0	29,340	26,653						PL 89-789.
S-10 and Water Cons Area 1.....	FL, Palm Beach.....	Central and southern FL.....	181.9	18.3	17.0	141,250	141,250	273.2	17.0	14.0	141,250	26,000	PL 80-858.
S-11 and Water Cons Area 2A.....	FL, Palm Beach and Broward.....	Central and southern FL.....	236.3	16.6	14.5	110,500	110,500	165.0	14.5	13.0	110,500	107,500	PL 80-858, PL 83-780.
S-12 and Water Cons Area 3A.....	FL, Broward and Dade.....	Central and southern FL.....	1,681.0	14.5	10.5	487,200	12,950	465.0	10.5	9.6		316,000	PL 80-858, PL 83-780.
Rodman Dam and Lake Ocklawaha.....	FL, Putnam and Marion.....	Cross FL Barge Canal.....	46.0	23.2	20.0	17,350	12,950						PL 77-675.
Tallahatchee Dam and Reservoir.....	MI, Jasper.....	Tallahatchee Creek Leaf River.....	67.3	317.5	306.5	7,535	4,184.5						PL 90-483.
W. Kerr Scott Dam and Reservoir.....	NC, Wilkes.....	Yadkin River.....	112.0	1,075.0	1,030.0	4,000	1,475						PL 79-526.
Warrior Lock, and Reservoir.....	AL, Hale, Greene.....	Black-Warrior River.....	9.1	95.5	94.0	8,200	6,900						PL 80-317
West Point Dam and Reservoir.....	GA, Troup.....	Chattahoochee River.....						221.0	635.0	625.0	25,864	18,593	PL 87-874
Jim Woodruff Lock, Dam and Res.	FL, Gadsden, Jackson.....	Apalachicola River.....						40.2	77.5	76.5	41,590	38,850	PL 79-14
South Pacific Division													
Alamo Lake.....	AZ, Mohave, Yuma.....	Bill Williams River.....	1,045.3	1,235.0	1,200.0	13,000	9,450	651.2	1,200.0	1,046.0	9,450	556	PL 78-534.
Bear Dam.....	CA, Mariposa.....	Bear Creek.....	7.7	413.5	344.0	265	0						PL 78-534.
Black Butte Lake.....	CA, Tehama.....	Stony Creek.....						137.1	473.5	414.6	4,453	577	PL 78-534.
Brea Dam.....	CA, Orange.....	Brea Creek.....	4.0	279.0	208.0	161	0						FCA 1936.
Buchanan Dam, H. V. Eastman Lake.....	CA, Madera.....	Chowchilla River.....						45.0	587.0	559.0	1,785	1,482	PL 78-874.
Burns Dam.....	CA, Merced.....	Burns Creek.....	6.8	300.0	266.0	662	0						PL 78-534.
Carbon Canyon Dam.....	CA, Orange.....	Carbon Creek.....	6.6	475.0	403.0	223	0						PL 74-738
Coyote Dam, Lake Mendocino.....	CA, Mendocino.....	East Fork Russian River.....						122.5	764.8	637.0	1,960		PL 75-761.
Farmington Dam.....	CA, San Joaquin, Stanislaus.....	Littlejohn Creek.....	52.0	156.5	120.0	4,107	0						PL 78-534.
Fullerton Dam.....	CA, Orange.....	Fullerton Creek.....	0.8	261.0	290.0	60	0						FCA 1936.
Hansen Dam.....	CA, Los Angeles.....	Tujunga Wash.....	26.1	1,060.0	990.0	790	200						FCA 1936.
Hidden Dam Hensley Lake.....	CA, Madera.....	Fresno River.....						65.0	540.0	485.8	1,567	811	PL 87-874.
Isabella Lake.....	CA, Kern.....	Kern River.....						567.9	2,605.5	2,470.0	11,454	26	PL 78-534.
Mariposa Dam.....	CA, Mariposa.....	Mariposa Creek.....	15.0	439.5	370.0	512	0						PL 78-534.
Martins Creek Lake.....	CA, Nevada.....	Martins Creek.....						19.4	5,938.0	5,780.0	760	60	PL 87-874.
Mathews Canyon Dam.....	NV, Lincoln.....	Mathews Canyon.....	6.3	5,461.0	5,420.0	298	0						PL 81-516.
Mojave River Dam.....	CA, San Bernardino.....	Mojave River.....	89.7	3,134.0	2,988.0	1,980	0						PL 86-645.
New Hogan Lake.....	CA, Calaveras.....	Calaveras River.....						165.0	713.0	667.6	4,333	2,858	PL 78-534.
Owens Dam.....	CA, Mariposa.....	Owens Creek.....	3.6	407.5	347.0	174	0						PL 78-534.
Painted Rock Dam.....	AZ, Maricopa.....	Gila River.....	2,491.7	661.0	530.0	53,200	0						PL 81-516.
Pine Canyon Dam.....	NV, Lincoln.....	Pine Canyon.....	7.8	5,676.0	5,604.0	254	0						PL 81-516.
Pine Flat Lake.....	CA, Fresno.....	Kings River.....						1,000.0	951.5	565.5	5,956	0	PL 78-534.
Prado Dam.....	CA, Riverside.....	Santa Ana River.....	198.2	543.0	460.0	6,710	0						FCA 1936.
San Antonio Dam.....	CA, Los Angeles.....	San Antonio Creek.....	7.7	2,238.0	2,125.0	139	0						FCA 1936.
Santa Fe Dam.....	CA, Los Angeles.....	San Gabriel River.....	32.6	496.0	421.0	1,070	0						FCA 1936.
Sepulveda Dam.....	CA, Los Angeles.....	Los Angeles River.....	17.3	710.0	668.0	2,510	0						FCA 1936.
Success Lake.....	CA, Tulare.....	Tule River.....						75.8	652.5	587.0	2,477	379	PL 78-534.
Terminus Dam Lake Kaweah.....	CA, Tulare.....	Kaweah River.....	35.9	2,166.0	2,056.0	819	0						PL 78-534.
Whitlow Ranch Dam.....	AZ, Pinal.....	Queen Creek.....	36.2	229.0	184.0	2,480	0						PL 79-526
Whittier Narrows Dam.....	CA, Los Angeles.....	San Gabriel River, Rio Hondo.....											FCA 1936.
Southwestern Division													
Abiquiu Dam.....	NM, Rio Arriba.....	Rio Chama.....	572.2	6,283.5		7,469							PL 80-858.
Addicks Res.....	TX, Harris.....	Buffalo Bayou.....	204.5	114.0	73.0	16,779	0					0	PL 250/83/2; RHA 1938.
B A Sternmagen Lake.....	TX, Taylor, Jasper.....	Neches River.....	24.5	83.0	81.0	13,700	10,950	53.1	81.0		10,950		SD 98/76/1.
Bardwell Lake.....	TX, Ellis.....	Waxahatchie Creek.....	79.6	439.0	421.0	6,040	3,570	42.8	421.0		3,570		PL 86-399.
Barker Res.....	TX, Harris, Ft Bend.....	Buffalo Bayou.....	207.0	107.0	75.0	17,225	0						PL 250/83/2; RHA 1938.
Beaver Lake.....	AR, Carroll.....	White River.....	300.0	1,130.0	1,120.0	31,700	28,220	925.1	1,120.0	1,077.0	28,220	15,540	HD 83-780.
Bellon Lake.....	TX, Bell.....	Leon River.....	644.2	631.0	594.0	23,600	12,400	357.1	594.0	483.0	12,400	42	PL 79-526, HD 88/81/1.
Belton Lake.....	TX, Tarrant, Parker.....	Clear Fork, Trinity River.....	170.4	724.0	694.0	7,630	3,770	72.5	694.0	656.0	3,770	70	PL 87-874, HD 572/87/2.
Big Hill Lake.....	KN, Labette.....	Big Hill Creek.....	13.1	867.5	858.0	1,520	1,240	27.2	858.0	814.0	1,240	384	PL 87-874, HD 563/87/2.
Blanch Lake.....	OK, Osage.....	Blanch Creek.....	39.0	774.0	750.5	2,340	1,140	19.2	750.5	730.0	1,140		PA 75-761.
Blue Mountain Lake.....	OK, Yell.....	Petit Jean River.....	233.0	419.0	384.0	11,000	2,910	0					PL 85-500.
Broken Bow Lake.....	OK, McClain.....	Mountain Fork River.....	450.2	627.5	599.5	18,000	14,200	468.8	599.5		14,200	9,200	PL 75-728.
Bull Shoals Lake.....	AR, Baxter, Marion.....	White River.....	2,360.0	695.0	654.0	71,240	45,440	1,003.0	654.0		45,440	33,800	PL 75-761; HD 569/75/3.
Canton Lake.....	OK, Blain.....	N. Canadian River.....	285.8	1,638.0	1,615.4	15,710	7,910	366.4	1,615.4	1,596.5	7,910		PL 79-14.
Canyon Lake.....	TX, Comal.....	Guadalupe River.....	354.7	934.0	909.0	12,890	8,240	87.2	909.0		8,240		PL 79-525, HD 758/79/2.
Chouteau Lock and Dam 17.....	OK, Wagoner.....	Verdigris River.....											



## PERTINENT PROJECT DATA—Continued

Project name <sup>1</sup>	State and county	Stream <sup>1</sup>	Exclusive use				Multiple use				Authorizing legislation <sup>2</sup>	
			Flood control/navigation		Area acres	Flood control/navigation		Area acres				
			Storage 1000 AF	Elev. limits feet M.S.L.		Upper	Lower		Upper	Lower		
Clearwater Lake.....	MO, Reynolds, Wayne	Black River.....	391.0	567.0	494.0	10,400	1,630	0	494.0	487.0	1,630	PL 79-761.
Cocfil Lake.....	NM, Sandoval, Santa Fe, Los Alamos,	Rio Grande.....	482.2	5,460.5	5,321.5	9,361	1,200	46.2	5,321.4	1,200	1,200	PL 86-645.
Conchas Lake.....	NM, San Miguel	Canadian River.....	198.8	4,218.0	4,201.0	13,664	9,692	259.6	4,201.0	4,155.0	9,692	HD 308/74.
Copan Lake.....	OK, Washington KS, Chautau- qua,	L. Caney River.....	184.3	732.0	710.0	13,380	4,850	42.8	710.0	687.5	4,850	PL 87-874, HD 563/87/2.
Council Grove Lake.....	KS, Morris	Neosho River.....	63.8	1,289.0	1,274.0	5,400	3,230	48.5	1,274.0	1,240.0	3,230	PL 81-516.
David D. Terry Lock and Dam 6.....	AR, Pulaski	Arkansas River.....	101.3	473.5	437.0	4,050	1,680	65.3	437.0	336.0	4,170	HD 758/79.
DeQuenneville Lake, Lock and Dam 10.....	AR, Pope, Yell	Arkansas River.....	67.1	557.5	526.0	2,970	1,360	28.5	526.0	415.0	3,300	HD 758/79 RHA 1946.
Dierks Lake.....	AR, Howard, Sevier	Rolling Fork River.....	79.2	1,347.5	1,339.0	10,740	8,000	15.1	1,339.0	1,286.0	710	PL 85-500.
Eldorado Lake.....	KS, Butler	Saline River.....	73.2	1,347.5	1,339.0	10,740	8,000	15.1	1,339.0	1,286.0	810	PL 85-500.
Elk City Lake.....	KS, Montgomery	Walnut River.....	239.5	825.0	796.0	13,150	4,450	44.8	796.0	764.0	4,450	PL 89-296, HD 232/89/1.
Eufaula Lake.....	OK, McIntosh, Pittsburg, Has- kell,	Canadian River.....	1,470.0	597.0	585.0	143,750	102,200	1,465.0	585.0	565.0	46,900	HD 440/76/1.
Fall River Lake.....	KS, Greenwood	Fall River.....	234.5	987.5	948.5	10,400	2,350	15.0	948.5	940.0	2,340	HD 440/76/1.
Fort Gibson Lake.....	OK, Wagoner	Neosho River (Grand).....	919.2	582.0	554.0	51,000	19,100	53.7	554.0	551.0	19,100	FCA 1941, RHA 1946.
Fort Supply Lake.....	OK, Woodward	Wolf Creek.....	86.8	2,028.0	2,004.0	5,690	1,820	13.9	2,004.0	1,988.0	1,820	PL 74-738.
Gallisteo Dam.....	NM, Santa Fe	Gallisteo Creek.....	79.4	569.0	502.0	2,060	1,370	29.3	502.0	464.5	1,370	PL 86-645.
Gilham Lake.....	AR, Howard, Polk	Cossatot River.....	188.7	569.0	502.0	4,680	1,370	29.3	502.0	464.5	1,370	PL 85-500.
Granger Lake.....	TX, Williamson	San Gabriel River.....	162.2	528.0	504.0	11,040	4,400	37.0	504.0	475.0	4,400	PL 87-874.
Grapevine Lake.....	TX, Denton, Tarrant	Denton Creek.....	243.1	560.0	535.0	12,710	7,280	154.3	535.0	475.0	7,380	PL 87-874.
Great Salt Plains Lake.....	OK, Alfalfa	Salt Fork Arkansas River.....	240.0	1,138.5	1,125.0	27,730	8,693	0	1,125.0	1,115.0	8,690	HD 103/77/1.
Greens Ferry Lake.....	AR, Cleburne	Little Red River.....	934.0	487.0	461.0	40,480	31,460	716.5	461.0	435.0	31,460	PL 74-738.
Hayburn Lake.....	OK, Creek	Polecat Creek.....	48.4	784.0	761.5	3,700	917	3.8	761.5	55.5	917	PL 75-761.
Hords Creek Lake.....	TX, Coleman	Hords Creek.....	16.7	1,920.0	1,900.0	1,280	510	5.8	1,900.0	1,800.0	510	PL 79-526.
Hugo Lake.....	OK, Choctaw	Kiamichi River.....	809.1	437.5	404.5	34,490	13,250	127.2	404.5	390.0	13,250	PL 77-228.
Hulah Lake.....	OK, Osage, KS, Chautauqua	Caney River.....	257.9	765.0	733.0	13,000	3,570	31.1	733.0	710.0	3,570	PL 79-526.
Jemez Canyon Dam.....	NM, Sandoval	Jemez River.....	73.0	5,232.0	5,232.0	2,877	11,655	350.9	5,232.0	5,150	4,500	PL 74-738.
John Martin Res.....	CO, Bent	Arkansas River.....	270.3	3,870.0	3,851.0	17,630	11,655	350.9	3,851.0	3,820.0	5,660	PL 80-858, PL 81-516.
John Redmond Dam and Res	KS, Coffey	Neosho River.....	559.0	1,068.0	1,039.0	31,700	9,300	70.8	1,039.0	1,020.0	9,300	PL 81-156.
Kaw Lake.....	OK, Kay, Osage, KS, Cowley	Arkansas River.....	919.4	1,044.5	1,010.0	38,020	17,040	343.5	1,010.0	78.0	17,040	PL 87-874.
Keystone Lake.....	OK, Tulsa	Arkansas River.....	1,216.0	754.0	723.0	55,400	26,020	287.5	723.0	706.0	26,020	PL 81-516.
Lake O' The Pines.....	TX, Marion	Cypress Creek.....	579.5	249.5	228.5	38,200	18,700	250.0	228.5	201.0	18,700	PL 79-526.
Lavon Lake.....	TX, Collin	East Fork Trinity River.....	275.6	503.5	492.0	21,400	380.0	453.0	492.0	453.0	21,400	HD 533/78/2.
Lewisville Lake, Garza-Little Elm Dam	TX, Denton	Elm Fork Trinity River.....	525.2	532.0	515.0	39,080	23,280	436.0	515.0	448.0	23,280	HD 403/77/1.
Lock and Dam 13.....	AR, Sebastian, Crawford	Arkansas River.....	60.2	1,358.5	1,350.5	9,050	6,200	83.3	1,350.5	1,320.0	6,200	PL 75-761.
Lock and Dam 9.....	AR, Conway	Arkansas River.....	1,650.0	287.0	259.2	95,200	29,200	153.3	259.2	252.0	29,200	PL 79/526, HD 758/79.
Lock and Dam 5.....	AR, Jefferson	Arkansas River.....	143.2	443.0	424.5	11,700	5,070	53.2	424.5	424.5	5,070	PL 81-516.
Lock and Dam 4.....	AR, Jefferson	Arkansas River.....	307.0	373.0	342.0	18,300	3,550	0	342.0	314.9	3,550	RHA 1946.
Lock and Dam 3.....	AR, Jefferson, Lincoln	Arkansas River.....	732.0	580.0	580.0	30,700	21,990	707.0	580.0	570.0	21,990	PL 79/526.
Lock and Dam 2.....	AR, Desha, Arkansas	Arkansas River.....	307.0	373.0	342.0	18,300	3,550	0	342.0	314.9	3,550	PL 498/83/2.
Lock and Dam 1 (Norrie L&D)	AR, Arkansas	Arkansas River.....	307.0	373.0	342.0	18,300	3,550	0	342.0	314.9	3,550	PL 79/526.
Marion Lake.....	KS, Marion	Cottonwood River.....	307.0	373.0	342.0	18,300	3,550	0	342.0	314.9	3,550	FCA 1938.
Millwood Lake.....	AR, Little R, Hempstead	Little River.....	732.0	580.0	580.0	30,700	21,990	707.0	580.0	570.0	21,990	PL 75-761.
Murray Lock and Dam 7.....	AR, Pulaski	Fourche La Pave River.....	87.6	834.0	791.0	3,220	1,310	29.2	791.0	510.0	21,990	PL 87-874, HD 591/82/2.
Navarro Mills Lake.....	TX, Navarro, Hill	N.F. San Gabriel River.....	277.2	1,938.5	1,908.0	12,700	5,440	80.4	1,908.0	1,840.0	5,440	PL 77-228.
Newt Graham Lock and Dam 8	OK, Wagoner	N. Concho River.....	965.6	661.0	638.0	56,800	28,460	544.1	638.0	592.0	29,460	PL 75-761.
Nimrod Lake.....	AR, Perry	Verdigris River.....	100.5	2,779.0	2,763.5	7,640	5,340	117.7	2,763.5	2,708.0	5,340	PL 75-761.
Norfolk Lake.....	TX, Williamson	N. Canadian River.....	100.5	2,779.0	2,763.5	7,640	5,340	117.7	2,763.5	2,708.0	5,340	PL 74-738.
O C Fisher Lake.....	TX, Tom Green	Arkansas River.....	64.6	460.5	451.0	7,680	5,993	119.9	451.0	415.0	5,990	RHA 1946, HD 758/79.
Oologah Lake.....	OK, Rogers	Sanders Creek.....	388.1	1,480.0	1,470.0	17,230	4,980	70.6	1,470.0	1,410.0	4,980	PL 87-874.
Optima Lake.....	OK, Franklin	Arkansas River.....	310.1	1,970.0	1,962.0	14,010	4,610	31.4	1,962.0	1,860.0	4,610	PL 85-500.
Ozark Jetta Lake.....	TX, Lamar	Leon River.....	310.1	1,970.0	1,962.0	14,010	4,610	31.4	1,962.0	1,860.0	4,610	PL 87-874.
Pat Mayse Lake.....	OK, McCurtain	Arkansas River.....	1,099.4	1,730.0	1,730.0	142,700	114,500	1,446.2	1,730.0	1,64.4	148.0	PL 83-790, HD 535/81/2.
Pine Creek.....	OK, Comanche	Arkansas River.....	1,099.4	1,730.0	1,730.0	142,700	114,500	1,446.2	1,730.0	1,64.4	148.0	PL 79-525.
Proctor Lake.....	OK, LeFlore, Sequoyah	Arkansas River.....	1,099.4	1,730.0	1,730.0	142,700	114,500	1,446.2	1,730.0	1,64.4	148.0	HD 981/76/1.
Robert S. Kerr Lock and Dam 15	TX, Jasper, San Augustine An- gelina,	Angels River.....	187.0	4,797.0	4,776.5	10,740	7,115	200.0	4,776.5	4,715.5	7,115	PL 83-780.
Sam Rayburn Reservoir.....	NM, Guadalupe	Pecos River.....	337.7	2,580.0	2,580.0	24,400	11,460	238.0	2,580.0	2,580.0	238.0	PL 83-780, HD 535/81/2.
Santa Rosa.....	TX, Washington Lee, Burleson	Yegua Creek.....	390.6	666.0	622.0	11,830	204.9	622.0	666.0	643.0	27,300	PL 83-780.
Somerville Lake.....	TX, Bell	Lampasas River.....	760.0	931.0	915.0	52,250	43,070	1,182.0	915.0	881.0	43,070	PL 77-228, FCA 1938.
Stillhouse H. Lake.....	MO, Taney	White River.....	760.0	931.0	915.0	52,250	43,070	1,182.0	915.0	881.0	43,070	PL 77-228, FCA 1938.
Table Rock Lake.....	MO, Taney	White River.....	760.0	931.0	915.0	52,250	43,070	1,182.0	915.0	881.0	43,070	PL 77-228, FCA 1938.



## PERTINENT PROJECT DATA—Continued

Project name <sup>1</sup>	State and county	Stream <sup>1</sup>	Exclusive use				Multiple use				Authorizing legislation <sup>2</sup>	
			Flood control/navigation				Flood control/navigation					
			Stor- age 1000 AF	Elev. limits feet M.S.L.	Upper	Lower	Area acres	Upper	Lower	Area acres		
Tenkiller Ferry Lake Texoma Lake, Denison Dam	OK, Cherokee, Sequoyah TX, Marshall, OK, Bryan, Cook, Grayson,	Illinois River Red River	576.7 2,464.9	667.0 640.0	632.0 617.25	20,800 143,000	12,900 89,000	632.0 617.25	594.5 590.0	12,900 89,000	7,370 43,890	RHA 1946. PL 75-761.
Toad Suck Ferry Lock and Dam 8	AR, Faulkner, Perry	Arkansas River						265.0		4,130		RHA 1946, HD 758/79.
Toronto Lake	KS, Woodson	Verdigris River	172.8	931.0	901.5	10,000	2,560	10.8	896.7	2,560	1,720	HD 440/76/1.
Trinidad Lake	CO, Las Animas	Purgatoire River	58.0	6,260.0	6,230.0	2,107	1,453	20.0	6,230.0	1,453		PL 85-500.
Two Rivers Dam	NM, Chaves	Rio Hondo	150.0	4,032.0	3,944.0	4,806	0					PL 83-780.
W D Mayo Lock and Dam 14	OK, Sequoyah, LeFlore	Arkansas River						3.0	413.0	411.0	1,595	PL 79-525.
Waco Lake	TX, McLennan	Bosque River	552.7	500.0	455.0	19,420	7,270	100.8	455.0	7,240	630	PL 83-780, HD 535/81/2.
Waurika Lake	OK, Jefferson	Beaver Creek	140.4	962.5	951.4	15,000	10,100	199.7	951.4	10,100	9,300	PL 88-253.
Webbers Falls Lock and Dam 16	OK, Muskogee	Arkansas River						30.0	490.0	487.0	475	PL 79-525.
Whitney Lake	TX, Hill, Bosque	Brazos River	1,372.0	571.0	533.0	49,820	23,560	381.9	533.0	448.8	475	PL 77-228, HD 390/76/1.
Wister Lake	OK, LeFlore	Pouteau river	400.8	502.5	471.6	23,070	4,005	30.0	471.6	450.0	138	PL 75-761.
Wright Patman Lake	TX, Bowie, Cass	Sulphur River	2,509.0	259.5	220.0	119,700	20,300	142.7	220.0	199.0	20,300	PL 79-526.

<sup>1</sup>Res—Reservoir; Lk—Lake; Div—Diversion; R—River; CR—Creek; Fk—Fork; L&D—Lock and Dam; GLWW—Gulf Intracoastal Waterways; FG—Floodgate; PS—Pumping Station; DL—Drainage and Levee District; IDD Interior Drainage Ditches.  
<sup>2</sup>PL—Public Law; HD—House Document; RHA—River and Harbor Act; PW—Public Works; FCA—Flood Control Act.

[FR Doc. 82-27162 Filed 10-7-82; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION  
AGENCY

## 40 CFR Part 123

[W-8-FRL 2218-3]

Utah Division of Oil, Gas, and Mining;  
Underground Injection Control  
Program ApprovalAGENCY: Environmental Protection  
Agency.

ACTION: Approval of State Program.

**SUMMARY:** The State of Utah has submitted an application under Section 1425 of the Safe Drinking Water Act for the approval of an Underground Injection Control (UIC) Program governing Class II oil and natural gas related injection wells. After careful review of the application, the Agency

has determined that the State's injection well program for Class II wells meets the requirements of Section 1425 of the Act and, therefore, approves it.

**EFFECTIVE DATE:** This approval is effective October 8, 1982.

**FOR FURTHER INFORMATION CONTACT:**

Michael J. Salazar, Chief, Utah/Montana/South Dakota Section, Drinking Water Branch, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-2731. Copies of the Responsiveness Summary are available at the above address.

**SUPPLEMENTARY INFORMATION:** Part C of the Safe Drinking Water Act (SDWA) provides for an Underground Injection Control (UIC) program. Section 1421 of the SDWA requires the Administrator to promulgate minimum requirements for

effective State programs to prevent underground injection which endangers drinking water sources. The Administrator is also to list in the Federal Register each State for which in his judgment a State UIC program may be necessary. Each State listed shall submit to the Administrator an application which contains a showing satisfactory to the Administrator that the State: (i) Has adopted, after reasonable notice and public hearings, an UIC program which meets the requirements of regulations in effect under Section 1421 of the SDWA; and (ii) will keep such records and make such reports with respect to its activities under its UIC program as the Administrator may require by regulations. After reasonable opportunity for public comment, the



Administrator shall by rule approve, disapprove, or approve in part and disapprove in part, the State's UIC program.

The SDWA was amended on December 5, 1980, to include Section 1425, which establishes an alternative method by which a State may obtain primary enforcement responsibility for those portions of its UIC Program related to the recovery and production of oil and natural gas (Class II wells).

Specifically, instead of meeting the Consolidated Permit Regulations (40 CFR Parts 122, 123 and 124) and the UIC Technical Criteria and Standards (40 CFR Part 146), a State may demonstrate that its program meets the more general statutory requirements of Section 1421(b)(1) (A) through (D) and represents an effective program to prevent endangerment of underground sources of drinking water.

The State of Utah was listed as needing a UIC program on September 25, 1978 (43 FR 43420). The State of Utah submitted complete applications under Sections 1422 and 1425 on March 22 and 23, 1982, for the approval of an UIC program governing Classes I, II, III, IV and V injection wells. The program would be administered by the Utah Division of Health (UDEH) for Classes I, III, IV, and V wells, and the Utah Division of Oil, Gas, and Mining (DOGM) for Class II wells (1425 application)). On April 7, 1982, EPA published notice of its receipt of the application, announced the availability of the application for review, requested public comments, and scheduled a public hearing. The public hearing was held on May 6, 1982, in Salt Lake City, Utah. Because the review processes for each of the two components of the application did not coincide, only the Class II component of the application is going forward at this time. A decision on the application for Class I, III, IV and V wells will be made at a later date consistent with a review period extension which was agreed to by EPA and the Utah DEH. After careful review of the application and comments received from the public, I have determined that the Utah UIC program for Class II wells submitted by the DOGM meets the requirements established by Federal regulations pursuant to Section 1425 of the SDWA and, hereby, approve it.

Because this action approves State requirements that already are in effect and imposes no new substantive requirements, EPA has determined that it is appropriate to have the approval effective immediately upon publication in the *Federal Register*. In addition, this will mean that beginning immediately after publication of this notice any Class

II UIC permits issued by the State will be issued under a federally approved program.

In this application, Utah chose not to assert jurisdiction over Indian lands or reservations for purposes of its UIC program. Therefore, the Environmental Protection Agency will, at a future date, prescribe a UIC program governing injection wells on any Indian lands or reservations in Utah.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 123, which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection Control program is a part; these terms may not all apply to this particular notice:

#### List of Subjects in 40 CFR Part 123

Hazardous materials, Indians—lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

OMB review: The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act: Pursuant to the provisions of 5 U.S.C. 605(b), I certify that approval by EPA under Section 1425 of the Safe Drinking Water Act of the application by the Utah Division of Oil, Gas, and Mining will not have a significant economic impact on a substantial number of small entities, since this rule only approves State actions. It imposes no new requirements on small entities.

Dated: October 1, 1982.

Anne M. Gorsuch,  
Administrator.

[FR Doc. 82-27765 Filed 10-7-82; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 180

[PP 2E2685/R485; PH-FRL 2223-1]

#### Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Cuprous Oxide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for copper in meat, milk,



poultry, eggs, fish, shellfish and irrigated crops resulting from the use of cuprous oxide-bearing antifouling coatings for control of algae or other organisms on submerged concrete or other (irrigation) structures. This regulation is established pursuant to a petition submitted by the Bureau of Reclamation, U.S. Department of the Interior.

**EFFECTIVE DATE:** Effective on October 8, 1982.

**ADDRESS:** Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1830).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice published in the *Federal Register* of June 23, 1982 (47 FR 27126) which announced that the Bureau of Reclamation, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, CO 80225, had filed a petition [PP 2E2685] with the EPA. This petition proposed that 40 CFR 180.1021 be amended by establishing an exemption from the requirement of a tolerance for copper from the use of cuprous oxide bearing antifouling coatings for control of algae or other organisms on submerged concrete or other (irrigation) structures. No comments were received in response to this notice of filing.

Copper is presently exempted from the requirement of a tolerance in eggs, fish, meat, milk, irrigated crops, and shellfish when it results from the use of: (a) Copper sulfate as an algicide or herbicide in irrigation conveyance systems and lakes, ponds, reservoirs, and bodies of water in which fish or shellfish are cultivated; (b) basic copper carbonate (malachite) as an algicide or herbicide in impounded or stagnant bodies of water; or (c) copper triethanolamine and copper monoethanolamine as an algicide or herbicide in fish hatcheries, lakes, ponds, and reservoirs.

The data submitted in this petition and relevant material have been evaluated. Cuprous oxide is practically insoluble in water and would be expected to leach rather slowly from the painted surface. Copper is ubiquitous in

nature, being found in both plants and animals at parts per million (ppm) levels or higher.

Cuprous oxide is a linear molecule which, in basic solution, may form the carbamate or hydroxide in natural aquatic environments. Based on the low levels of cuprous oxide that are expected to occur in water via leaching and the natural occurrence of copper, no overt hazard is envisioned due to this regulation.

Residues of copper resulting from this use of cuprous oxide-containing antifouling coatings are not expected to contribute copper residues in drinking water exceeding 1.0 ppm. The Agency has previously determined this to be an acceptable residue level for copper in drinking water.

There are no regulatory actions pending against cuprous oxide. Analytical methods are available for the determination of residues of copper.

The pesticide is considered useful for the purpose for which the exemption from the requirement of a tolerance is being sought. The exemption will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the *Federal Register*, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24950).

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

#### List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Raw agricultural commodities, Pesticides and pests.

Dated: September 29, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

#### PART 180 [AMENDED]

Therefore, 40 CFR 180.1021 is revised to read as follows:

##### § 180.1021 Copper; exemption from the requirement of a tolerance.

Copper is exempted from the requirement of a tolerance in meat, milk, poultry, eggs, fish, shellfish and irrigated crops when it results from the use of:

(a) Copper sulfate as an algicide or herbicide in irrigation conveyance systems and lakes, ponds, reservoirs, or bodies of water in which fish or shellfish are cultivated.

(b) Basic copper carbonate (malachite) as an algicide or herbicide in impounded and stagnant bodies of water.

(c) Copper triethanolamine and copper monoethanolamine as an algicide or herbicide in fish hatcheries, lakes, ponds, and reservoirs.

(d) Cuprous oxide bearing antifouling coatings for control of algae or other organisms on submerged concrete or other (irrigation) structures.

[FR Doc. 82-27814 Filed 10-7-82; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 180

[PP 1E2442/R478, PH-FRC 2223-2]

##### Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; S-2,3,3-Trichloroallyl Diisopropylthiocarbamate.

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This rule establishes tolerances for residues of the herbicide S-2,3,3-trichloroallyl diisopropylthiocarbamate in or on the raw agricultural commodities annual canarygrass seed and straw. This



regulation to establish the maximum permissible levels for residues of the herbicide in or on the commodities was submitted pursuant to a petition by the Interregional Research Project No. 4 (IR-4).

**EFFECTIVE DATE:** Effective on October 8, 1982.

**ADDRESS:** Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Donald Stubbs, Emergency Response Section, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1192).

**SUPPLEMENTARY INFORMATION:** ERA issued a notice of proposed rulemaking published in the *Federal Register* of August 4, 1982 (47 FR 33720) which announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 1E2442 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Minnesota and North Dakota. This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for residues of the herbicide S-2,3,3-trichloroallyl diisopropylthiocarbamate in or on the raw agricultural commodities annual canarygrass seed and straw at 0.05 part per million (ppm).

There were no comments or request for referral to an advisory committee received in response to the notice of proposed rulemaking.

The data submitted in the petition and other relevant material have been evaluated and discussed in the notice of proposed rulemaking. The pesticide is considered useful for the purposes for which the tolerances are sought. There are presently no actions pending against the continued registration of the chemical.

Based on the information considered by the Agency, the tolerances established by amending 40 CFR 180.314 would protect the public health and are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the *Federal Register*, file written objections with the Hearing Clerk, at the address given above. Such objections should specify

the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

#### List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Raw agricultural commodities, Pesticides and pests.

Dated: September 27, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

#### PART 180 [AMENDED]

Therefore, 40 CFR 180.314 is revised by reformatting the commodities into alphabetical order and by adding and alphabetically inserting the raw agricultural commodities annual canarygrass seed and straw to read as follows:

#### § 180.314 S-2,3,3-trichloroallyl diisopropylthiocarbamate; tolerances for residues.

Tolerances are established for residues of the herbicide S-2,3,3-trichloroallyl diisopropylthiocarbamate in or on the following raw agricultural commodities:

Commodities	Parts per million
Barley, grain .....	0.05 (N)
Barley, straw .....	0.05 (N)
Grass, canary, annual, seed .....	0.05
Grass, canary, annual, straw .....	0.05
Lentils .....	0.05 (N)
Lentils, forage .....	0.05 (N)
Lentils, hay .....	0.05 (N)
Peas .....	0.05 (N)
Peas, forage .....	0.05 (N)
Peas, hay .....	0.05 (N)
Wheat, grain .....	0.05 (N)
Wheat, straw .....	0.05 (N)

[FR Doc. 82-27769 Filed 10-7-82; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 435

[WH-FRL 2222-4]

#### Oil and Gas Extraction Point Source Category

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Extension of comment period.

**SUMMARY:** On July 21, 1982 EPA published in the *Federal Register* (47 FR 31554) a notice suspending the applicability of "best practicable control technology currently available (BPT)" effluent limitation guidelines regulations for the onshore subcategory of the oil and gas extraction point source category as they apply to facilities located onshore engaged in the production, field exploration, drilling, well completion and well treatment in this industry in existence on April 13, 1979 or thereafter which would have been considered "coastal" as defined in Section 453.41 of the October 13, 1976 Interim Final regulations for this industry in response to the Court's decision in *American Petroleum Institute v. EPA*, 661 F.2d 340 (5th Cir. 1981). That notice also invited public comment on a number of issues pertaining to certain wells in Texas and Louisiana and to marginal gas wells. The comment period was scheduled to expire September 20, 1982. The purpose of this notice is to extend until December 20, 1982 the period for comment on these issues.

**DATES:** All comments on this rulemaking must be submitted no later than December 20, 1982.

**ADDRESS:** Comments should be sent to Ron Kirby, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Attention: EGD Docket Clerk, Oil and Gas Extraction Industry. The supporting information and all comments received will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM-213 (EPA Library). The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Technical information may be obtained from Mr. Ron Kirby, at the address listed above, or by calling (202) 382-7161.

**SUPPLEMENTARY INFORMATION:** EPA has received requests to extend the public comment period for an additional 90 days beyond September 20, 1982, the date by which comments were due to be received regarding certain wells located in Texas and Louisiana and marginal gas wells within the Oil and Gas Extraction Point Source Category which the Agency requested in a July 21, 1982 *Federal Register* notice (47 FR 31554). EPA has determined that it is appropriate to extend this comment period. All interested parties should submit all available information



pertaining to this rulemaking by December 20, 1982.

Dated: October 1, 1982.

Frederic A. Eidsness, Jr.,  
Assistant Administrator for Water.

[FR Doc. 82-27771 Filed 10-7-82; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 716

[OPTS-84003A; TSH-FRL 2112-2]

#### Health and Safety Data Reporting; Submission of Lists and Copies of Health and Safety Studies

##### Corrections

In FR Doc. 82-24058 beginning on page 38780 in the issue of Thursday, September 2, 1982, make the following changes:

1. On page 38785, second column, tenth line from the top, "purchase" should read "purposes".
2. On page 38787, third column, second full paragraph, ninth line, the "of" after "data" should read "or".
3. On page 38789, second column, tenth line from the bottom "would" should read "would"; and in the seventh line from the bottom "or" should read "of"; third column, last paragraph, third line, "qualitatively" should read "qualitative".
4. On page 38790, third column, twelfth line from the bottom, insert "in" after "EPA".
5. On page 38791, first column, in the second line of the Authority citation, "2607(c)" should read "2607(d)".
6. On page 38792, first column, § 716.4(a), third line from the bottom, "of" should read "on".

BILLING CODE 1505-01-M

#### 40 CFR Part 716

[OPTS-84003B; TSH-FRL 2222-2]

#### Health and Safety Data Reporting; Submission of Lists and Copies of Health and Safety Studies; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

**SUMMARY:** This document corrects typographical errors in the final regulations which require the submission of unpublished health and safety studies on specifically listed chemicals by chemical manufacturers, processors, and others in possession of such studies. The rule was issued under section 8(d) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2607(d). The final rule was published in the

Federal Register of September 2, 1982 (47 FR 38780).

**EFFECTIVE DATE:** This correction document was effective on September 2, 1982.

**FOR FURTHER INFORMATION CONTACT:** Douglas Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M Street, SW., Washington, DC 20460, Toll free: (800-424-9065), in Washington, DC: (554-1404), outside the USA: (operator-202-554-1404).

**SUPPLEMENTARY INFORMATION:** In FR Doc. 82-24058, published in the Federal Register of September 2, 1982, appearing at page 38780, the following corrections are made:

1. On page 38786 the reference to "§ 716.4)" in the first line of the last paragraph in the third column is corrected to read "§ 716.9)".
2. On page 38787 the references to "1979" in the eleventh line and "1979" in the seventeenth line of the third full paragraph in the second column are both corrected to read "1978".
3. On page 38789 the phrase "and distributors" is removed from the last sentence of the fourth full paragraph in the second column.

##### § 716.4 [Corrected]

4. In the introductory text of § 716.4(c) the cross reference to "§ 716.3(d)" is corrected to read "§ 716.3(e)".

Dated: September 22, 1982.

John A. Todhunter,  
Assistant Administrator for Pesticides and  
Toxic Substances.

[FR Doc. 82-27589 Filed 10-7-82; 8:45 am]

BILLING CODE 6560-50-M

#### GENERAL SERVICES ADMINISTRATION

#### Transportation and Public Utilities Service

#### 41 CFR Part 101-7

[GSA Bulletin FPMR A-40, Supp. 4]

#### Federal Travel Regulations

AGENCY: Transportation and Public Utilities Service, General Services Administration (GSA).

ACTION: Final rule.

**SUMMARY:** This final rule implements changes to the Federal Travel Regulations (FTR), FPMR 101-7, to improve relocation allowances and entitlements for Federal employees transferred from one official station to another in the interest of the

Government and to encourage employee use of hotel/motel courtesy transportation and carpooling to and from common carrier terminals during temporary duty travel. Changed pages to the FTR, transmitted by GSA Bulletin FPMR A-40, Supplement 4, will be issued separately to reflect these changes.

**EFFECTIVE DATES:** The provisions of attachment A to this supplement are effective as follows:

a. *Chapter 1. Travel Allowances.* The revised provisions of chapter 1 are effective for travel performed on or after October 1, 1982.

b. *Chapter 2. Relocation Allowances.* The revised provisions of chapter 2 are effective for employees whose effective date of transfer (date the employee reports for duty at the new official station) is on or after October 1, 1982. However, the provisions pertaining to an extension of the 2-year time limitation for beginning allowable travel and transportation (FTR paragraph 2-1.5a(2)(c)) and for completion of residence transactions (FTR paragraph 2-6.1e) are effective for employees whose current entitlement period will not have expired prior to the issuance date (signature date) of this supplement; provided that with respect to any such extension approved by an agency, relocation entitlements and allowances shall be determined using the entitlements and allowances prescribed by regulations in effect on the employee's effective date of transfer and not the entitlements and allowances prescribed by regulations in effect at the time the extension of the time limitation is approved.

**FOR FURTHER INFORMATION CONTACT:** Mr. Larry Tucker/Ms. Doris Jones, Travel Regulations Branch (202-557-7589).

**SUPPLEMENTARY INFORMATION:** Executive Order 11609 (July 22, 1971) and the Travel Expense Amendments Act of 1975 (Pub. L. 94-22, May 19, 1975) authorize the Administrator of General Services to prescribe the regulations necessary to administer subchapters I and II of chapter 57 of title 5, United States Code, governing per diem, travel, transportation, and relocation allowances and entitlements for Federal civilian employees. Under this authority, GSA published (46 FR 17791, March 20, 1981) for comment proposed changes to the Federal Travel Regulations, FPMR 101-7, to improve relocation allowances for Federal civilian employees transferred in the interest of the Government. These proposed changes reflected the recommendations resulting from a comprehensive study of the



adequacy of employee relocation allowances conducted jointly by the General Services Administration (GSA) and the Office of Personnel Management (OPM) in coordination with the Office of Management and Budget. This review was conducted because of agency complaints that financial hardships were making it difficult to get well-qualified and experienced personnel to relocate in the interest of the Government. The GSA/OPM review group surveyed Federal civilian employees and their employing agencies to determine the changes necessary to alleviate some of the financial burdens being encountered by transferred employees.

#### Policy Direction

*Long range.* In order to achieve a relocation program which provides greater management flexibility in meeting the highest priority agency and employee needs, it will be necessary to move away from the current approach of uniform entitlements within categories of expenses to a more flexible system that would allow agency management and the employee greater discretion to work out individually tailored allowance packages. To achieve this goal, GSA intends to work toward implementation of a system that will replace item-by-item reimbursement levels for individual expenses with a flat rate payment system, within established maximums, which would afford agency management and the employee more flexibility in establishing allowance payment levels on a case-by-case basis. The resulting reduction in paperwork and the corresponding shift in accountability from the employee to agency management is essential to cost containment.

The primary advantage to this approach is that it would allow agency management and the employee to agree in advance on the dollar amount to be allocated for the relocation. The only restrictions would be overall cost maximums established by GSA, and the funds available to the agency. Knowing in advance the amount the Government would authorize them, employees could manage their relocation costs more effectively. They would have discretion to make their own decisions regarding relocation expenditures, based upon their individual situations. Further, the Government could give them their money at the time of the move without the need for a complicated voucher exercise and the financial hardship of after-the-fact reimbursements.

Agency management would also know beforehand what their costs would be and could thus do a better job

of setting priorities for using the money available for funding relocations.

The focus for accountability would shift from the employee to agency management. Instead of trying to determine whether it was reasonable and necessary for an employee to incur a specific expense, each agency would evaluate its ability to meet critical staffing needs at an acceptable level of cost within the overall GSA established maximums.

*Short range.* Because such a shift in relocation policy will require a lengthy legislative process, the regulatory changes contained herein are being implemented as an interim measure designed to provide some immediate relief for the increasing costs encountered by the relocating employee and, consequently, to aid management in attracting other well-qualified candidates who may be willing to relocate.

#### Summary of Comments

In response to the proposed rulemaking, GSA received comments from more than 100 sources, including Federal agency headquarters and field offices, Federal Government employee organizations, and members of the private sector. The comments have been reviewed and reconciled and the proposed changes modified as deemed appropriate. Many of the recommended changes that were adopted correct minor technical problems or clarify existing material. Those of a more significant nature modify the original proposals to: (1) Make the initial 2-year eligibility period for residential transactions automatic, (2) provide for an additional 1-year extension of the time limit for beginning travel and transportation, including that for the household goods, when the 2-year time limitation for the completion of residential transactions is extended, (3) increase the miscellaneous expense allowance flat rate amounts to \$350 for employees without family and \$700 for employees with family, and (4) list representative factors (cited by the Comptroller General in numerous decisions) that agencies should consider when determining whether to allow reimbursement for temporary quarters that eventually become permanent.

Those comments that were not adopted are too numerous to discuss individually. Most fall into one of several logical groupings, however, and lend themselves to summary discussion.

Many of the comments could not be adopted because they would require specific authorizing legislation, e.g., removal of the one round trip cost limitation on househunting trips;

extension of the temporary quarters entitlement period beyond 30 days and deletion of the requirement to reduce reimbursement based on 10-day increments; payment for losses on the sale of the residence and increased mortgage interest rates; exemption from tax liability for relocation reimbursements; domestic shipment of a privately owned vehicle; and an increase in the 11,000 pound weight limitation for household goods shipments. Some of these recommendations have been included in previous GSA legislative proposals and are part of legislation currently being developed.

Other comments were not adopted because they recommend changes in monetary or time limitations which are based on results of the joint GSA/OPM survey of employee relocation costs, e.g., removal of, or increase in, the overall limitations on reimbursement for sale or purchase of a residence and a 90-day extension in allowable temporary storage time solely at the request of the employee.

One nonadopted item frequently recommended was reimbursement for loan discount points paid in connection with the sale or purchase of a residence. Points are considered to be an interest expense as opposed to the loan origination fee which is defined by the Department of Housing and Urban Development (HUD) as a fee to cover the lender's administrative costs in processing a loan. It has been a longstanding policy in the employee relocation entitlements area that interest expense items such as loan discount points are not reimbursable.

Some comments were not adopted because they recommend inclusion of allowances that are already reimbursable under current regulations or Comptroller General decisions, albeit in some instances by more general authority than the specific wording recommended in the comment.

Then there were a number of comments that do not lend themselves to one of the above logical groupings or an all inclusive summary discussion. These comments were not adopted for a variety of reasons, e.g., they would restrict agency discretion and management flexibility, would violate existing GAO prohibitions on payments, fall outside GSA's regulatory or legislative purview, or were deemed inconsistent with current reimbursement philosophies.

Finally, there remains a group of comments that were not adopted but which warrant further consideration for possible future adoption. Many of these



fall outside the scope of the regulatory changes published for comment. Others are of a questionable nature in that it is not clear whether the recommended change may be implemented under current law; these will require further research. Still others would constitute a change significant enough to require publication in the Federal Register as proposed rulemaking. Some of the comments reserved for further consideration are: Recommended payment of various additional real estate expenses which are not clearly reimbursable under current governing authority; expansion of the immediate family definition to include unmarried children under the age of 22 who are full-time students; and publication of guidelines on the amount reimbursable when lodgings are obtained in noncommercial quarters.

#### Explanation of Changes

1. Paragraph 1-2.3c is revised to encourage employee use of available hotel/motel courtesy transportation between place of lodging and the common carrier terminal and to permit agencies to restrict reimbursement for the use of taxicabs or place a monetary limit on the amount of reimbursement when such courtesy transportation is available but not used.

2. Paragraph 1-4.2c(2-1) is added to allow reimbursement for the mileage incurred between home, office, and common carrier terminals when a privately owned automobile is used on a voluntary basis to transport fellow travelers in connection with official travel.

3. Paragraph 2-1.4d(1)(b) is revised to expand the definition of "immediate family" to provide for the travel costs of a child born after the employee reports for duty at the new official station when the expectant spouse's travel to the new station at Government expense is delayed under certain circumstances, and paragraph 2-1.4h is revised for clarification and to include additional items which can be shipped as household goods.

4. Paragraph 2-1.5a(2) is amended to allow an extension of the time limitation for beginning allowable travel and transportation incident to a permanent change of station when an extension of the time limitation for residential transactions is approved.

5. Paragraph 2-2.3b is revised to increase the mileage reimbursement rate for permanent change of station travel to reflect the current airline fare level, and paragraph 2-2.3c is revised to reference the applicable mileage reimbursement rate prescribed for the

advantageous use of a privately owned automobile for temporary duty travel.

6. Paragraph 2-3.1b(5) is revised to allow reimbursement under the miscellaneous expenses allowance for unrefundable or nontransferable contract costs incurred for private institutional care for handicapped dependents.

7. Paragraph 2-3.3a (1) and (2) are revised to increase the miscellaneous expense flat rate allowances from \$100 to \$350 for an employee without immediate family and from \$200 to \$700 for an employee with immediate family.

8. Paragraph 2-4.1a is revised to allow reimbursement for separate househunting trips for the employee and spouse provided the cost is limited to the cost of one round trip for employee and spouse traveling together (expenses of only one round trip are allowed by statute), and paragraph 2-4.2 is revised to extend the maximum period of time for a househunting trip from 6 to 10 calendar days.

9. Paragraph 2-5.2c is revised to permit payment of temporary quarters subsistence expenses when the temporary quarters occupied ultimately become the employee's permanent residence if the agency can establish that the original intent was to occupy the quarters temporarily, and paragraph 2-5.2g is revised for clarity.

10. Paragraph 2-5.4c is revised to allow temporary quarters subsistence allowance reimbursement to the employee for the first 10-day period up to the maximum per diem rate prescribed for the locality (e.g., conterminous United States or nonforeign area) in which the temporary quarters are located instead of the current 75-percent limitation.

11. Paragraph 2-6.1e is revised to extend the residence transaction eligibility period for an additional year beyond the current 2-year period when necessary.

12. Paragraph 2-6.2d is revised to allow reimbursement of the loan origination fee incurred when buying a residence at the new official station, and paragraph 2-6.2g is revised to increase the maximum reimbursement for allowable expenses incurred for the sale of a residence at the old official station and for the purchase of a new residence at the new official station.

13. Paragraph 2-8.2a is revised to allow the same maximum statutory weight allowance (11,000 pounds) for shipment of household goods for all employees regardless of family status, and paragraph 2-8.2c is revised to extend the household goods temporary storage period from 60 to 90 days and to give agencies the authority to allow an

additional 90 days under certain conditions.

#### Executive Order 12291

The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more, a major increase in costs to consumers or others, or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

#### List of Subjects in 41 CFR Part 101-7

Government employees, Government property management, Motor vehicles, Travel, Travel allowances, Travel and transportation expenses.

#### Changes to the Federal Travel Regulations

Accordingly, the Federal Travel Regulations which are incorporated in Part 101-7, are amended as follows:

#### Chapter 1. Travel Allowances

##### Part 2. Transportation Allowable

1. Paragraph 1-2.3c is revised to read as follows:

##### 1-2.3. Local transportation.

\* \* \* \* \*

c. To and from carrier terminals.

(1) Reimbursement will be allowed for the usual taxicab and airport limousine fares, plus tip, between a common carrier or other terminal and either the employee's home or place of business at the official duty station or place of business or lodging at a temporary duty point, or between the airport and airport limousine terminal. However, available courtesy transportation service furnished by hotels/motels should be used by employees to the maximum extent possible as a first source of transportation between place of lodging at the temporary duty point and common carrier terminal. Reimbursement shall be allowed for tips when courtesy transportation service is used.

(2) However, an agency shall, when appropriate, restrict the use of taxicabs under (1), above, or place a monetary limit on the amount of taxicab reimbursement when:



(a) Suitable Government or common carrier transportation service, including airport limousine service, is available for all or part of the distance involved, or

(b) Courtesy transportation service is provided by hotels/motels between the place of lodging at the temporary duty site and the common carrier terminal.

#### Part 4. Reimbursement for Use of Privately Owned Conveyances

2. Paragraph 1-4.2c is amended by adding new paragraph 1-4.2c(2-1) to read as follows:

1-4.2. When use of a privately owned conveyance is advantageous to the Government.

c. \* \* \*

(1) \* \* \*

(2) \* \* \*

(2-1) Privately owned conveyance used to transport other employees between residence, office, and common carrier terminals. Payment under (1) and (2), above, may be made without the taxicab fare limitation when the privately owned conveyance used by the employee for official travel is also used to pick up and transport one or more additional employees traveling between home, office, and common carrier terminals incident to a temporary duty assignment. Employee participation under this provision is voluntary. The names of the additional employees and their employing offices/agencies should be stated on the travel voucher in accordance with 1-4.5.

## Chapter 2. Relocation Allowances

### Part 1. Applicability and General Rules

3. Paragraphs 2-1.4d(1)(b) and 2-1.4h are revised to read as follows:

2-1.4. Definitions. As used in these regulations, and unless otherwise specifically provided in these regulations, the following definitions apply:

d. \* \* \*

(b) Children of the employee or employee's spouse who are unmarried and under 21 years of age or who, regardless of age, are physically or mentally incapable of self-support. (The term "children" shall include natural offspring; stepchildren; adopted children; grandchildren, legal minor wards, or other dependent children who are under legal guardianship of the employee or employee's spouse; and a child born after the employee's effective date of transfer when the travel of the

employee's expectant spouse to the new official station is prevented at the time of the transfer because of advanced stage of pregnancy, or other reasons acceptable to the agency concerned, e.g., awaiting completion of the school year by other children.)

h. Household goods. All personal property associated with the home and all personal effects belonging to an employee and the immediate family when shipment or storage begins, which can be legally accepted and transported as household goods by an authorized commercial carrier (see advisory note below) in accordance with the rules and regulations established or approved by an appropriate Federal or State regulatory authority, except the items listed in (a) through (d), below. Snowmobiles and vehicles with two or three wheels, e.g., motorcycles, mopeds, and golf carts, may be shipped as household goods.

(a) Automobiles, trucks, vans and similar motor vehicles; boats; airplanes; mobile homes; camper trailers; and farming vehicles;

(b) Live animals, birds, fowls, and reptiles;

(c) Cordwood and building materials; and

(d) Property for resale, disposal, or commercial use rather than for use by the employee or the immediate family.

Note.—Generally carriers' tariffs prohibits household goods carriers from accepting the articles listed below for shipment. Agencies are advised to consult applicable tariffs or to contact the carrier involved if problems arise concerning shipment of the following prohibited articles:

a. Property liable to impregnate or otherwise damage equipment or other property (e.g., hazardous articles including explosives, flammable and corrosive materials, poisons, etc.).

b. Articles which cannot be taken from the premises without damage to the article or the premises.

c. Perishable articles including frozen foods, articles requiring refrigeration, or perishable plants unless:

(1) Shipment is to be transported not more than 150 miles and/or delivery accomplished within 24 hours from the time of loading.

(2) No storage of shipment is required, and

(3) No preliminary or enroute servicing or watering or other preservative method is required of the carrier.

Items which are irreplaceable or are of extreme value or sentiment are not provided special security even though

extra-value insurance may be purchased. Employees and their immediate families are advised to personally transport these types of items.

4. Paragraph 2-1.5a(2) is amended by adding subparagraph (c) as follows:

2-1.5. Eligibility and conditions.

(2) \* \* \*

(a) \* \* \*

(b) \* \* \*

(c) The 2-year period shall be extended for an additional period of time not to exceed 1 year when the 2-year time limitation for completion of residence transactions is extended under 2-6.1e.

### Part 2. Allowances for Subsistence and Transportation

5. Paragraphs 2-2.3 b and c are revised to read as follows:

2-2.3. For use of a privately owned automobile in connection with permanent change of station.

b. Mileage rates prescribed. Payment of mileage allowance when authorized or approved in connection with the transfer shall be allowed as follows:

Occupants of automobile	Mileage rate (cents)
Employee only, or one member of immediate family	15
Employee and one member, or two members of immediate family	17
Employee and two members, or three members of immediate family	19
Employee and three or more members, or four or more members of immediate family	20

c. Mileage rates in special circumstances. Heads of agencies may prescribe that travel orders or other administrative determinations specify higher mileage rates at a rate not more than the maximum rate prescribed in 1-4.2a(2) for individual transfers of employees or transfers of groups of employees when:

### Part 3. Allowances for Miscellaneous Expenses

6. Paragraph 2-3.1b(5) is revised to read as follows:

2-3.1. Applicability.

b. \* \* \*

(5) Forfeiture losses on medical, dental, and food locker contracts that are not transferable; and contracts for private institutional care, such as that



provided for handicapped or invalid dependents only, which are not transferable or refundable; and

7. Paragraphs 2-3.3a (1) and (2) are revised to read as follows:

2-3.3. *Allowable amount.*

a. \*

(1) \$350 or the equivalent of 1 week's basic pay, whichever is the lesser amount, for an employee without immediate family; and

(2) \$700 or the equivalent of 2 weeks' basic pay, whichever is the lesser amount, for an employee with immediate family.

*Part 4. Travel to Seek Residence Quarters*

8. Paragraph 2-4.1a is revised to read as follows:

2-4.1. *Applicability of and general policy for authorizing travel to seek residence quarters.*

a. Payment of travel and transportation expenses of the employee and spouse traveling together, or the employee or spouse traveling individually instead of travel by the other or together, for one round trip between the localities of the old and new duty stations for the purpose of seeking residence quarters, may be authorized when circumstances warrant. Separate round trips by the employee and spouse may be allowed provided the overall cost to the Government is limited to the cost of one round trip for the employee and spouse traveling together. A round trip performed by the employee for this purpose, when authorized, must be accomplished before reporting to the new official station. A round trip by the spouse, when authorized, may be accomplished at any time before relocation of the family to the new official station but not after the expiration of the maximum time for beginning allowable travel and transportation. (See 2-1.5a(2).) An appropriate official of the agency that will be responsible for payment of the travel and transportation allowances for the employee shall decide whether this trip should be authorized.

9. Paragraph 2-4.2 is revised to read as follows:

2-4.2. *Duration of trip.* The round trip should be allowed for a reasonable period of time considering distance between the old and new official stations, mode of transportation to be used, and the housing situation at the

new official station location. In no instance shall the period of the round trip at Government expense be allowed in excess of 10 calendar days, including travel time. In authorizing or allowing a particular mode of transportation, consideration shall be given to providing minimum time en route and maximum time at the new official station locality. Accordingly, if the use of a privately owned automobile is permitted, this use is considered advantageous to the Government and the mileage allowance shall be as provided in 2-2.3 b and c. Reasonable expenses for local transportation at the location of the new official station shall be allowed. Agencies may authorize local transportation by common carrier, local transit systems, GSA contract rental or other commercially rented automobiles, or privately owned automobiles; however, the mode of local transportation must be consistent with the mode of transportation authorized for travel to and from the new official station. Expenses for the use of taxis shall be limited to transportation between depots, airports, or other carrier terminals and place of lodging.

*Part 5. Subsistence While Occupying Temporary Quarters*

10. Paragraphs 2-5.2 c and g are revised to read as follows:

2-5.2. *Conditions and limitations for eligibility.*

c. *What constitutes temporary quarters.* Generally, the term "temporary quarters" refers to lodging obtained from private or commercial sources for the purpose of temporary occupancy after vacating the residence occupied when the transfer was authorized. However, occupancy of temporary quarters that eventually become the employee's permanent residence shall not prevent payment of the temporary quarters allowance if, in the agency's judgment, the employee shows satisfactorily that the quarters occupied were intended initially to be only temporary. In making this determination the agency should consider factors such as: the duration of the lease, movement of household effects into the quarters, type of quarters, expressions of intent, attempts to secure a permanent dwelling, and the length of time the employee occupies the quarters.

g. *Effect of partial days.* (1) The following guidelines shall be used for determining the eligibility period for temporary quarters subsistence expense

reimbursement and in computing maximum reimbursement when occupancy of temporary quarters for reimbursement purposes occurs the same day that en route travel per diem ends:

(a) For en route travel of more than 24 hours, reimbursement for temporary quarters subsistence expenses shall start at the beginning of the calendar day quarter immediately following termination of the en route travel per diem. This will be considered the first full day of the entitlement period for the purpose of computing maximum reimbursement.

(b) For en route travel of 24 hours or less, reimbursement for temporary quarters subsistence expenses shall start at the beginning of the same calendar day quarter in which en route travel per diem ends upon arrival at destination. This will be considered the first full day of the entitlement period for the purpose of computing maximum reimbursement.

(2) In all other cases, the temporary quarters period shall start with the first quarter of the calendar day in which temporary quarters subsistence expense reimbursement is claimed, provided that temporary quarters are occupied during that calendar day.

(3) The temporary quarters period shall terminate at midnight of the last day of eligibility.

11. Paragraph 2-5.4c is revised to read as follows:

2-5.4. *Allowable amount.*

c. *Computation of maximum.* The amount which may be reimbursed for temporary quarters subsistence expenses shall be the lesser of either (1) the actual amount of allowable expenses incurred for each 10-day period or (2) an amount as computed below:

**Note.**—The daily actual subsistence expenses required to be itemized under 2-5.4 a and b will be totaled for each 10-day period to permit a comparison with the maximum allowable for the particular period derived under the following formula:

(1) *For the first 10 days.* (a) For the employee, a daily rate not more than the maximum per diem rate prescribed for the locality in which the temporary quarters are located (see 1-7.2 a or b); and

(b) For each member of the employee's immediate family, two-thirds of the employee's daily rate established in (a), above.



(2) For the second 10 days. (a) For the employee, two-thirds of the daily rate established for the employee for the first 10 days in 2-5.4c(1)(a); and

(b) For each member of the employee's immediate family, two-thirds of the daily rate established for members of the immediate family for the first 10 days in 2-5.4c(1)(b).

(3) For the third 10 days and for any portion of an authorized additional 30-day period. (a) For the employee, one-half of the daily rate established for the employee for the first 10 days in 2-5.4c(1)(a); and

(b) For each member of the employee's immediate family, one-half of the daily rate established for members of the immediate family for the first 10 days in 2-5.4c(1)(b).

*Part 6. Allowance for Expenses Incurred in Connection With Residence Transactions*

12. Paragraph 2-6.1e is revised to read as follows:

2-6.1. *Conditions and requirements under which allowances are payable.*

e. *Time limitation.*—(1) *Initial period.* The settlement dates for the sale and purchase or lease termination transactions for which reimbursement is requested are not later than 2 years after the date that the employee reported for duty at the new official station.

(2) *Extension of time limitation.* (a) Upon an employee's written request, the 2-year time limitation for completion of the sale and purchase or lease termination transactions may be extended by the head of the agency or his/her designee for an additional period of time not to exceed 1 year.

(b) The employee's written request should be submitted to the appropriate agency official(s) as soon as the employee becomes aware of the need for an extension but before expiration of the 2-year limitation; however, in no case shall the request be submitted later than 30 calendar days after the expiration date unless this 30-day period is specifically extended by the agency.

(c) Approval of this additional period of time shall be based on a determination that extenuating circumstances, acceptable to the agency concerned, have prevented the employee from completing the sale and purchase or lease termination transactions in the initial time frame and that the residence transactions are reasonably related to the transfer of official station.

(3) *Applicability.* In addition to being applicable to those employees transferred on or after the effective date

of this supplement, the provisions for extension of the time limitation contained in (2), above, shall also be applicable to employees whose time limitation will not have expired prior to the issuance date (signature date) of this supplement 4 to these regulations; provided that when such an extension is approved by an agency, relocation entitlements and allowances shall be determined by using the entitlements and allowances prescribed by regulations in effect on the employee's effective date of transfer and not the entitlements and allowances in effect at the time the extension of the time limitation is approved.

13. Paragraphs 2-6.2 d and g are revised to read as follows:

2-6.2. *Reimbursable and nonreimbursable expenses.*

d. *Miscellaneous expenses.*—(1) *Reimbursable items.* The expenses listed below are reimbursable in connection with the sale and/or purchase of a residence, provided they are customarily paid by the seller of a residence in the locality of the old official station or by the purchaser of a residence at the new official station to the extent they do not exceed amounts customarily paid in the locality of the residence.

(a) FHA or VA fee for the loan application;

(b) Loan origination fee;

(c) Cost of preparing credit reports;

(d) Mortgage and transfer taxes;

(e) State revenue stamps;

(f) Other fees and charges similar in nature to those listed above, unless specifically prohibited in (2), below;

(g) Charge for prepayment of a mortgage or other security instrument in connection with the sale of a residence at the old official station to the extent the terms in the mortgage or other security instrument provide for this charge. This prepayment penalty is also reimbursable when the mortgage or other security instrument does not specifically provide for prepayment, provided this penalty is customarily charged by the lender, but in that case the reimbursement may not exceed 3 months' interest on the loan balance;

(h) Mortgage title insurance policy paid for by the employee on a residence purchased by the employee for the protection of, and required by, the lender;

(i) Owner's title insurance policy, provided it is a prerequisite to financing or the transfer of property; or the cost of the owner's title insurance policy is inseparable from the cost of other

insurance, which is a prerequisite to financing or to transfer of property; and

(j) Expenses in connection with construction of a residence, which are comparable to expenses that are reimbursable in connection with the purchase of an existing residence.

(2) *Nonreimbursable items.* Except as otherwise provided in (1), above, the following items of expense are not reimbursable:

(a) Owner's title insurance policy, "record title" insurance policy, mortgage insurance or insurance against loss or damage of property, and optional insurance paid for by the employee in connection with the purchase of a residence for the protection of the employee;

(b) Interest on loans, points, and mortgage discounts;

(c) Property taxes;

(d) Operating or maintenance costs;

(e) No fee, cost, charge, or expense determined to be part of the finance charge under the Truth in Lending Act, Title I, Pub. L. 90-321, and Regulation Z issued in accordance with Pub. L. 90-321 by the Board of Governors of the Federal Reserve System, unless specifically authorized in (1), above; and

(f) Expenses that result from construction of a residence.

g. *Overall limitations.* The total amount of expenses that may be reimbursed is as follows:

(1) In connection with the sale of the residence at the old official station, reimbursement shall not exceed 10 percent of the actual sale price or \$15,000, whichever is the lesser amount.

(2) In connection with the purchase of a residence at the new official station, reimbursement shall not exceed 5 percent of the purchase price or \$5,000, whichever is the lesser amount.

*Part 8. Transportation and Temporary Storage of Household Goods and Professional Books, Papers, and Equipment*

14. Paragraphs 2-8.2 a and c are revised to read as follows:

a. *Maximum weight allowance.* The maximum weight of household goods that may be transported or stored in connection therewith at Government expense is limited to 11,000 pounds net weight for all employees. The total weight of household goods stored under 2-9.2 plus the weight of household goods transported under this Part 8 shall not exceed the above maximum weight allowance.



c. *Temporary storage time limit.* The time allowable for temporary storage in connection with an authorized shipment of household goods shall not exceed a period of 90 days. This time period also applies when an employee returns to his/her place of actual residence for leave before serving a new tour of duty outside the conterminous United States either at a different post of duty or at the same post of duty if the storage is provided instead of furnished quarters or a quarters allowance. However, upon an employee's written request, the initial 90-day period may be extended an additional period not to exceed 90 days under certain conditions if approved by the agency head or his/her designee. Justification for an additional storage period may include but is not limited to the following reasons:

- (1) An intervening temporary duty or long-term training assignment;
- (2) Nonavailability of suitable housing;
- (3) Completion of residence under construction;
- (4) Serious illness of employee or illness or death of a dependent; or
- (5) Strikes, acts of God, or other circumstances beyond the control of the employee.

(Executive Order No. 11609, July 22, 1971; 5 U.S.C. 5707)

Dated: August 23, 1982.

Ray Kline,  
*Acting Administrator of General Services.*

[FR Doc. 82-27816 Filed 10-7-82; 8:45 am]

BILLING CODE 6820-AM-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of Human Development Services

#### 45 CFR Parts 1356 and 1357

#### Foster Care Maintenance Assistance and Adoption Assistance; Child Welfare Services

**AGENCY:** Office of Human Development Services, HHS.

**ACTION:** Final rule; correction.

**SUMMARY:** The Administration for Children, Youth and Families (ACYF) of the Office of Human Development Services (OHDS) published in the

Federal Register (47 FR 30922) on July 15, 1982, the final regulation to implement the fiscal requirements for the new title IV-E program, Federal Payments for Foster Care and Adoption Assistance, and the title IV-B program, Child Welfare Services. There is an error in the publication which we are correcting in this notice.

On page 30922, under *Effective Date*, the remainder of the sentence beginning with "except \* \* \*" should be deleted to make the effective date of §§ 1356.60 and 1357.30 August 16, 1982.

The Department has received OMB clearance of the information collection requirements. Therefore, rather than having a delayed effective date, §§ 1356.60 and 1357.30, became effective at the same time as the remainder of the regulation.

**FOR FURTHER INFORMATION CONTACT:** Frank Ferro, Associate Chief, Children's Bureau, Administration for Children, Youth and Families, Post Office Box 1182, Washington, D.C. 20013, (202) 755-7418.

Approved: October 4, 1982.

Robert F. Sermier,  
*Deputy Assistant Secretary for Management, Analysis and Systems.*

[FR Doc. 82-27767 Filed 10-7-82; 8:45 am]

BILLING CODE 4130-01-M



# Proposed Rules

Federal Register

Vol. 47, No. 196

Friday, October 8, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## FEDERAL TRADE COMMISSION

### 16 CFR Ch. I

#### Publication Dates for the FTC's Regulatory Agenda

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice of publication dates for the FTC's Regulatory Agenda.

**SUMMARY:** As required by Section 22(d)(1) of the Federal Trade Commission Act, 15 U.S.C. 57b-3(d)(1), the Commission announces that it will publish its semiannual regulatory agenda in conjunction with the Unified Agenda of Federal Regulations during the last week of October, 1982 and the last week of April, 1983.

**FOR FURTHER INFORMATION CONTACT:** Christian S. White, Assistant General Counsel, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3906.

John H. Carley,  
General Counsel.

[FR Doc. 82-27813 Filed 10-7-82; 8:45 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 182 and 184

[Docket No. 78N-0018]

#### GRAS Status of Papain

##### Correction

In FR Doc. 82-23700, appearing on page 38347, on Tuesday, August 31, 1982, in the second column, in the fourth paragraph, in the ninth and thirtieth lines, "dimethylaminoazobenzene" should be corrected to read "dimethylaminoazobenzene".

BILLING CODE 1505-01-M

#### 21 CFR Parts 182 and 184

[Docket No. 78P-0404]

#### GRAS Status of Pyridoxine and Pyridoxine Hydrochloride

**AGENCY:** Food and Drug Administration.

**ACTION:** Proposed rule.

**SUMMARY:** The Food and Drug Administration (FDA) is proposing to affirm that pyridoxine hydrochloride is generally recognized as safe (GRAS) as a direct human food ingredient. The safety of pyridoxine and pyridoxine hydrochloride have been evaluated in a comprehensive safety review conducted by the agency. The agency is also proposing not to affirm the GRAS status of pyridoxine because there is no evidence that it is used in food. The proposal would take no action on the listing of pyridoxine hydrochloride as a GRAS substance for use in dietary supplements.

**DATE:** Comments by December 7, 1982.

**ADDRESS:** Comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

#### FOR FURTHER INFORMATION CONTACT:

Leonard C. Gosule, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C. St. SW., Washington, DC 20204, 202-426-9463.

**SUPPLEMENTARY INFORMATION:** FDA is conducting a comprehensive review of human food ingredients classified as GRAS or subject to a prior sanction. The agency has issued several notices and proposals (see the *Federal Register* of July 26, 1973 (38 FR 20040)) initiating this review, under which the safety of pyridoxine and pyridoxine hydrochloride has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the agency proposes to affirm the GRAS status of pyridoxine hydrochloride as a direct human food ingredient for use as a nutrient supplement in conventional foods<sup>1</sup> and infant formula. However, the agency is not proposing to affirm the free base, pyridoxine, as GRAS because this ingredient currently is not used in food.<sup>2</sup>

<sup>1</sup> FDA is using the term "conventional food" to refer to food that would fall within any of the 43 categories listed in § 170.3(n) (21 CFR 170.3(n)).

<sup>2</sup> "Evaluation of the Health Aspects of Pyridoxine and Pyridoxine Hydrochloride as Food Ingredients," Life Sciences Research Office, Federation of

The GRAS status of the use of pyridoxine hydrochloride in dietary supplements (i.e., over-the-counter vitamin preparations in forms such as capsules, tablets, liquids, wafers, etc.) is not affected by this proposal. The agency did not request consumer exposure data on dietary supplement uses when it initiated this review. Without exposure data, the agency cannot evaluate the safety of using this ingredient in dietary supplements. The use of this ingredient in dietary supplements will continue to be authorized under Subpart F of Part 182 (21 CFR Part 182).

Pyridoxine (3-hydroxy-4,5-dihydroxymethyl-2-methylpyridine) is a colorless, crystalline solid with a melting point of 160° C. It is soluble in water, alcohol, and acetone but is only slightly soluble in ether and chloroform. The hydrochloride salt, also a white, crystalline solid, is water-soluble but ether- and chloroform-insoluble. It melts in the range of 206° to 208° C.

Pyridoxine and two derivatives, pyridoxal and pyridoxamine, are collectively designated as vitamin B<sub>6</sub>, which is an essential dietary component. Vitamin B<sub>6</sub> is a naturally occurring component in many foodstuffs, particularly eggs, yeast, liver, kidneys, muscle, fish, milk and milk products, green vegetables, whole grains, and legumes. The vitamin B<sub>6</sub> commercially added to foods, is synthetic pyridoxine hydrochloride. Several methods for its synthesis are known, including one that involves the condensation of cyanoacetamide with ethoxycetylacetone in the presence of piperidine.

Vitamin B<sub>6</sub> is bound to proteins in most foods. The active coenzyme form of vitamin B<sub>6</sub>, pyridoxal-5-phosphate, is required for the function of more than 60 enzymes, including amino acid decarboxylases, transaminases, racemases, and enzymes involved in tryptophan and cysteine metabolism.

Pyridoxine hydrochloride was listed as a GRAS nutrient in a regulation published in the *Federal Register* of November 20, 1959 (24 FR 9368). Subsequently, it was listed as a GRAS nutrient and dietary supplement in a regulation published in the *Federal Register* of January 31, 1961 (26 FR 938).

American Societies for Experimental Biology, 1976, pp. 3 and 16.



However, in a regulation published in the *Federal Register* of September 5, 1980 (45 FR 58837), FDA divided the nutrient and dietary supplement category into separate listings for GRAS dietary supplements and GRAS nutrients. Therefore, pyridoxine hydrochloride currently is listed as GRAS in § 182.5676 (21 CFR 182.5676) for use in dietary supplements and in § 182.8676 (21 CFR 182.8676) for use in food as a nutrient. Section 412(g) of the Federal Food, Drug, and Cosmetic Act (the act) lists vitamin B<sub>6</sub> (pyridoxine) as a required nutrient in infant formula, subject to level restrictions. FDA is reviewing all nutrient levels in infant formulas under a contract with the American Academy of Pediatrics. Any necessary modifications in the nutrient level of vitamin B<sub>6</sub> in infant formula will be proposed by a separate rulemaking under section 412 of the act. Vitamin B<sub>6</sub> may also be used to fortify foods as described in Part 104 (21 CFR Part 104).

In 1971, the National Academy of Sciences/National Research Council (NAS/NRC) surveyed a representative cross-section of food manufacturers to determine the specific foods in which pyridoxine hydrochloride was used and the levels of usage. NAS/NRC combined this manufacturing information with information on consumer consumption of foods to obtain an estimate of consumer exposure to this substance. FDA estimates from the 1971 NAS/NRC survey that the amount of pyridoxine hydrochloride added to food in 1970 was 28,800 pounds. Based on the NAS/NRC data, FDA estimates this amount to be a sevenfold increase over the level of consumption in 1960. However, this reported poundage may not adequately reflect the consumption of pyridoxine hydrochloride used as a dietary supplement. The National Research Council has estimated a per capita "intake" upper limit for added pyridoxine hydrochloride of 3.7 milligrams per day, although it maintains that a value of 0.2 milligram per day is a more reasonable estimate.

Pyridoxine and pyridoxine hydrochloride have been the subjects of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 2,964 abstracts on pyridoxine and

pyridoxine hydrochloride was reviewed, and 67 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

Information from the scientific literature and other sources has been summarized in a report to FDA by the Select Committee on GRAS Substances (the Select Committee), which is composed of qualified scientists chosen by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). The members of the Select Committee have evaluated all the available safety information on pyridoxine and pyridoxine hydrochloride.<sup>3</sup> In the Select Committee's opinion:

Vitamin B<sub>6</sub> compounds, after conversion to the active coenzyme form, pyridoxal phosphate, function in a variety of enzyme reactions that are metabolically essential. The vitamin is naturally present in a wide variety of foods. The Recommended Dietary Allowance is 2 mg per day for adults and 2.5 mg per day during pregnancy, although it has been suggested that an intake as high as 15 to 30 mg per day may be desirable for women during pregnancy or those using oral contraceptives. Thus, the daily per capita "intake" of 0.2 mg of pyridoxine hydrochloride per day (0.003 mg per kilogram (kg) per day for adults) resulting from its addition to foods may amount to no more than 10 percent of the total intake.

Available data are inadequate, because of variations in consumption patterns, for estimating the greatest amounts of pyridoxine hydrochloride added to foods that may be consumed by individuals in various age groups beyond infancy. For infants, such variations are rare because a large percentage of the food intake may be derived from commercially prepared formulas fortified with pyridoxine hydrochloride. It is estimated that the largest consumption by infants of pyridoxine hydrochloride added to foods will be less than 0.1 mg per kg body weight per day.

Oral administration of pyridoxine hydrochloride or pyridoxine base to experimental animals in doses of approximately 10 mg per kg per day to more than 100 mg per kg per day has not been associated with adverse effects, including effects on reproductive performance. Pyridoxine dependency has not been produced in offspring of animals given high doses of pyridoxine hydrochloride during pregnancy. The acute LD<sub>50</sub> in animals generally ranges from 1,000 to 6,000 mg per kg when administered orally. Patients with

homocystinuria and other vitamin B<sub>6</sub> dependency states have been given daily doses of 1 to 25 mg per kg per day for months without evidence of adverse reactions.

The Select Committee has no evidence that pyridoxine (i.e., pyridoxine base) is added to foods in the United States. Even if it were, its safety threshold appears to be no different from that of pyridoxine hydrochloride.<sup>4</sup>

The Select Committee concludes that no evidence in the available information on pyridoxine hydrochloride or pyridoxine demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when they are used at levels that are now current or that might reasonably be expected in the future.<sup>5</sup>

FDA has undertaken its own evaluation of the available information and, insofar as pyridoxine hydrochloride is used as a nutrient in conventional foods, agrees with the conclusion of the Select Committee. Therefore, the agency proposes that pyridoxine hydrochloride be affirmed as GRAS for direct addition to conventional human food. However, because the NAS/NRC survey did not specifically request data on the dietary supplement use, FDA does not have adequate data upon which to judge the exposure to pyridoxine hydrochloride resulting from its use as a dietary supplement. Without such exposure data, the agency cannot evaluate its use in dietary supplements and, therefore, can take no action on the GRAS status of pyridoxine hydrochloride for this use. Therefore, FDA is taking no action on the listing of pyridoxine hydrochloride in 21 CFR Part 182 as a dietary supplement.

Additionally, FDA is not proposing to include in the GRAS affirmation regulation for pyridoxine hydrochloride the levels of use reported in the NAS/NRC 1971 survey for this ingredient. Both FASEB and the agency have concluded that a reasonably foreseeable increase in the level of consumption of pyridoxine hydrochloride will not adversely affect human health. Therefore, the agency is proposing to affirm the GRAS status of pyridoxine hydrochloride when it is used under current good manufacturing practice conditions of use in accordance with § 184.1(b)(1) (21 CFR 184.1(b)(1)). To make clear, however, that the affirmation of the GRAS status of pyridoxine hydrochloride is based on the evaluation of currently known uses, the proposed regulation sets forth the technical effects and food categories that FDA evaluated.

In the *Federal Register* of September 7, 1982 (47 FR 39199), FDA proposed to

<sup>3</sup> *Ibid.*, pp. 7-15. In the past, the agency presented verbatim the Select Committee's discussion of the biological data it reviewed. However, because the Select Committee's report is available at the Dockets Management Branch and from the National Technical Information Service, and because it represents a significant savings to the agency in publication costs, FDA has decided to discontinue presenting the discussion in the preamble to proposals that affirm GRAS status in accordance with current good manufacturing practice.

<sup>4</sup> *Ibid.*, p. 15.

<sup>5</sup> *Ibid.*, p. 16.



adopt a general policy restricting the circumstances in which it will specifically describe conditions of use in regulations affirming substances as GRAS under 21 CFR 184.1(b)(1) or 186.1(b)(1). The agency proposed to amend its regulations to indicate clearly that it will specify one or more of the current good manufacturing practice conditions of use in regulations for substances affirmed as GRAS with no limitations other than current good manufacturing practice only when the agency determines that it is appropriate to do so.

Although the Select Committee reviewed safety data on both pyridoxine and pyridoxine hydrochloride, neither the Select Committee nor FDA has found any evidence that pyridoxine (i.e., pyridoxine base) is added to human food in the United States. In addition, pyridoxine base currently is not listed as GRAS in 21 CFR Part 182, and FDA is unaware of any previous opinions in which the GRAS status of pyridoxine base for addition to human food has been addressed. The agency concludes that there is no evidence that pyridoxine base currently has GRAS status for addition to human food and, therefore, is proposing not to include pyridoxine base in this GRAS affirmation regulation.

Copies of the scientific literature review on pyridoxine and pyridoxine hydrochloride and the report of the Select Committee are available for review at the Dockets Management Branch (address above), and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161, as follows:

Title	Order No.	Price code	Price <sup>1</sup>
Pyridoxine and pyridoxine hydrochloride (scientific literature review).	PB-241-960/AS.....	A12 .....	\$15.00
Pyridoxine and pyridoxine hydrochloride (Select Committee report).	PB-275-340/AS.....	A03 .....	6.00

<sup>1</sup> Price subject to change.

This proposed action does not affect the current use of pyridoxine and pyridoxine hydrochloride in pet food or animal feed.

The format of the proposed regulation is different from that in previous GRAS affirmation regulations. FDA has modified paragraph (c) of § 184.1676 to make clear the agency's determination that GRAS affirmation is based upon current good manufacturing practice

conditions of use, including both the technical effect and food categories listed. This change has no substantive effect but is made merely for clarity.

The agency has determined under 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this proposal would have on small entities including small businesses and has determined that the effect of this proposal is to maintain current known uses of the substance covered by this proposal by both large and small businesses. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this proposal, and the agency has determined that the final rule, if promulgated, will not be a major rule as defined by the Order.

#### List of Subjects

##### 21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

##### 21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Parts 182 and 184 be amended as follows:

#### PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

##### § 182.8676 [Removed]

1. In Part 182 by removing § 182.8676 *Pyridoxine hydrochloride*.

#### PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. In Part 184 by adding new § 184.1676, to read as follows:

##### § 184.1676 Pyridoxine hydrochloride.

(a) Pyridoxine hydrochloride ( $C_8H_{11}NO_3 \cdot HCl$ , CAS Reg. No. 58-56-0) is the chemical 3-hydroxy-4, 5-dihydroxymethyl-2-methylpyridine hydrochloride that is prepared by chemical synthesis.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 260, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a nutrient supplement as defined in § 170.3(o)(20) of this chapter.

(2) The ingredient is used in the following foods at levels not to exceed current good manufacturing practice: baked goods as defined in § 170.3(n)(1) of this chapter; nonalcoholic beverages and beverage bases as defined in § 170.3(n)(3) of this chapter; breakfast cereals as defined in § 170.3(n)(4) of this chapter; dairy product analogs as defined in § 170.3(n)(10) of this chapter; meat products as defined in § 170.3(n)(29) of this chapter; milk products as defined in § 170.3(n)(31) of this chapter; plant protein products as defined in § 170.3(n)(33) of this chapter; and snack foods as defined in § 170.3(n)(37) of this chapter. Pyridoxine hydrochloride may be used in infant formula in accordance with section 412(g) of the act or with regulations promulgated under section 412(a)(2) of the act.

The agency is unaware of any prior sanction for the use of this ingredient in foods under conditions different from those identified in this document. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The action proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342), and the failure of any person to come forward with proof of an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on it later. Should



any person submit proof of the existence of a prior sanction, the agency hereby proposes to recognize such use by issuing an appropriate final rule under Part 181 (21 CFR Part 181) or affirming it as GRAS under Part 184 or 186 (21 CFR Part 184 or 186), as appropriate.

Interested persons may, on or before December 7, 1982 submit to the Dockets Management Branch (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 15, 1982.

**William F. Randolph,**  
*Acting Associate Commissioner for  
Regulatory Affairs.*

[FR Doc. 82-27537 Filed 10-7-82; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Part 888

[Docket No. 78N-3028]

### Orthopedic Devices; General Provisions and Classification of 77 Devices; Extension of Comment Period

**AGENCY:** Food and Drug Administration.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The Food and Drug Administration (FDA) is extending the comment period for proposed regulations on orthopedic devices and the general provisions and classification of 77 devices.

**DATE:** The deadline for submitting comments on the proposal is extended until January 3, 1983.

**ADDRESS:** Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** James G. Dillon, Bureau of Medical Devices (HFK-410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910. 301-427-7238

**SUPPLEMENTARY INFORMATION:** In the Federal Register of July 2, 1982 (47 FR 29052), FDA published for public comment a proposal (Docket No. 78N-2830) to classify 77 orthopedic devices under section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21

U.S.C. 360c). FDA proposed to establish new Part 888 in Title 21 of the Code of Federal Regulations which would consist of general provisions together with individual sections identifying each generic type of device with a brief narrative description stating the classification of that device. The proposal allowed 90 days for comment, until October 1, 1982. In the Federal Register of July 20, 1982 (47 FR 31405), FDA published a correction that changed the Docket No. to 78N-3028.

FDA has received several requests to extend the comment period for an additional 90 days. The requests provided the following reasons for granting an extension:

1. Final classification of orthopedic devices will have enormous regulatory impact on these devices in the future.

2. The comment period provided does not allow sufficient time for industry and trade associations to gather necessary data from their members.

3. Additional time is needed to identify and evaluate any safety and effectiveness data that may have been generated in the interval between the advisory panel's classification recommendations to FDA and the time of publication of the proposal.

4. Industry and trade organization resources were used to comment on other classification proposals that essentially had the same comment period.

5. Extensive records and files research is necessary to provide meaningful comments.

6. The proposal included over 500 references that must be evaluated.

7. Although the advisory panel recommended that certain devices be classified into class II (performance standards), FDA unexpectedly proposed that these devices be classified into class III (premarket approval), and additional time is needed to react to these proposals.

After due consideration, FDA agrees that more time is needed for interested persons to evaluate the numerous regulations being proposed and to submit comments. FDA is granting a 90-day extension of the comment period until January 3, 1983.

FDA finds in accordance with section 520(d)(2) of the act (21 U.S.C. 360j(d)(2)) that good cause exists to grant, and is granting, an extension of the comment period as set forth above. Interested persons may, on or before January 3, 1983, submit to the Dockets Management Branch (address above) written comments regarding the proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be

identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 30, 1982.

**William F. Randolph,**  
*Acting Associate Commissioner for  
Regulatory Affairs.*

[FR Doc. 82-27405 Filed 10-1-82; 11:13 am]

BILLING CODE 4160-01-M

## POSTAL SERVICE

### 39 CFR Part 111

#### Revision of Regulations on Mail of Executive and Judicial Officers

**AGENCY:** Postal Service.

**ACTION:** Proposed rule.

**SUMMARY:** The Postal Service proposes a comprehensive revision of its regulations dealing with the mail of executive and judicial officers of the United States Government. The regulations have been renumbered, shortened by deleting duplicative material and removing instructions to postal employees, and made clearer by adding a definition of "agencies" and grouping related matters under one heading. In addition, the following modifications are proposed:

(1) Postmasters would no longer be required to provide post office penalty envelopes or labels to send annual reports of government-aided colleges through the mail; (2) Agencies would no longer be required to obtain authorization from USPS Headquarters for contractor use of official mail services; (3) A new form (PS 3602-G), would be required to account for official mailings of non-identical pieces of permit imprint matter, and separate authorization from USPS Headquarters for bulk third-class mailings would be eliminated; (4) Permit imprint authorization procedures would be simplified; (5) Second-class procedures would be updated to reflect the current regulations for other second-class mail; (6) A revised, updated listing of agencies authorized to use official mail would be provided, with sampling codes and permit imprint numbers assigned to all agencies; (7) Only permit and official meters format would be permitted for bulk third-class mail; and (8) Improperly prepared official permit imprint mail would be handled in the same manner as for other mailers. These modifications are explained in the Supplementary information below.



**DATE:** Comments must be received on or before November 8, 1982.

**ADDRESS:** Written comments should be addressed to the Manager, Government Revenue and Examination Branch, U.S. Postal Service, Washington, DC 20260-5215. Copies of written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8621, 475 L'Enfant Plaza West, S.W., Washington, DC 20206.

**FOR FURTHER INFORMATION CONTACT:** James S. Stanford, 245-5001.

**SUPPLEMENTARY INFORMATION:** In order to clarify the procedures and requirements for official penalty mail of the executive and judicial branches of the United States Government, the Postal Service proposes to reformat the text of Sections 137.2 through 137.8, Domestic Mail Manual. The restructured text includes several additions, deletions, and modifications in the procedures and requirements considered necessary to ensure adequate reimbursement to the Postal Service for penalty mail and to simplify operation of the Official Mail Reimbursement Program.

#### 1. Changes in Special Mailing Arrangements

Since government agencies are required to reimburse the Postal Service for all their mail services, Official Penalty Mail and Official Business Reply procedures are being proposed in lieu of two existing special arrangements. One concerns the mailing of annual reports of government-aided colleges as described in section 137.22e of the present DMM. For these reports Official Penalty Mail procedures are being proposed in section 137.251d. The other special arrangement concerns Naturalization mail. Naturalization mail is discussed in section 137.32 of the present DMM. These mailings are now covered by the instructions of the Official Business Reply procedures in section 137.285.

#### 2. Elimination of Special Authorization for Contractor Mailings

Current regulations require that a department or agency request the Manager, Government Revenue and Examination Branch to issue a permit for that department or agency to authorize individual contractors to use official mail services. The present procedures require revision because the contractor's identity and the mailing location are frequently not known in time to obtain the required authorization. Proposed section 137.263 eliminates the requirement for

departments and agencies to obtain a permit before contractor use of official mail services. Elimination of contractor authorization does not eliminate the requirement that departments and agencies maintain and furnish promptly, in the manner and form requested, all information on contractor mailings the Manager, Government Revenue and Examination Branch, considers necessary to ensure reimbursement to the Postal Service.

#### 3. Improved Permit Imprint Documentation

Current problems existing with acceptance of GPO Form 712 from GPO contractors and use of standard USPS mailing statements by agencies for non-identical piece official permit imprint mailings have indicated the need for a new form, PS 3602-G, *Statement of Mailing with Permit Imprints—U.S. Government Regular Rate Mail*. Form 3602-G is to be used for all single piece rated official permit imprint mailings of non-identical pieces.

All pieces entered on Form 3602-G must be for mailings at the single piece rates and must not duplicate any volumes entered on any other USPS mailing statements. The Postal Service believes this new form will alleviate the acceptance and verification problems currently experienced with GPO Form 712, insure proper reimbursement for single piece rate permit imprint mailings of non-identical pieces, and provide for increased use of official mail permit imprint procedures to obtain actual records of large official mailings.

#### 4. Decentralized Permit Imprint Authorization

In order to decentralize, improve, and simplify the authorization procedures for Official Permit Imprint Mail, the Postal Service proposes to change the permit imprint authorization procedures and eliminate the requirement for separate authorization for mailing at the bulk third-class rates. The new procedure will require the agency to make an original application for official permit imprint authorization directly to the entry post office. Special authorization will no longer be required for bulk third class mailings. The bulk mail fees will be billed by the Manager, Government Revenue and Examination Branch (GREB) from records of mailing activity.

These changes will eliminate deficiencies in the existing permit imprint authorization procedures, including: (a) Paperwork delays which result in mailings being presented at a post office before receipt of the authorizing letter from Postal Service

Headquarters; (b) disruption of normal communication channels between local post offices and mailers; and (c) confusion in existing regulations that make it difficult to determine when official mailings have been authorized.

#### 5. Separate Controlled Circulation Section Eliminated to Conform to Existing Second-Class Regulations

The section on controlled circulation has been deleted since controlled circulation is now a part of second-class mail. The application procedures have been revised to correspond to those of the private sector.

#### 6. Changes in Second-Class Mailing Format

Second-class imprint is introduced to provide a format with information to properly identify each authorized second class publication. The revised format will continue to require the statements, *OFFICIAL BUSINESS AND PENALTY FOR PRIVATE USE, \$300* on official second-class mail.

#### 7. Updated List of Official Mail Users with Agency Sampling & Permit Imprint Numbers

The agency list in proposed 137.262 has been revised and updated. The list has been reorganized to improve identification of authorized departments and agencies and to assign a standard penalty indicium identification number (sampling code) and permit imprint number or numbers to each department and agency. These numbers must be used on agency mail as described in the text.

#### 8. Changed Format Requirements For Bulk Third Class Mail

Use of standard penalty indicium envelopes will no longer be permitted when mailing at the bulk third-class rates. Agencies must use permit imprint or official mail metered stamps for all bulk third class mailings. Aligning the physical format of official bulk third-class rate mail with similar mail of the private sector will help eliminate any confusion at the mail acceptance unit regarding verification and documentation procedures.

#### 9. Revised Guidelines for Improperly Prepared Mailings

The following instructions revise and update the provisions of section 137.277. When government agencies claim the lower postage rates on those classes of mail which have specific mailer preparation requirements, it will be examined by mail acceptance personnel to assure the requirements of the



particular claimed rate are met. Official mail found to be improperly prepared for the claimed rate is to be treated as similar mail of the private sector. Current regulations provide that, when irregularities in 10% or more of the pieces in a bulk rated mailing in the private sector are detected, the mailer is given two options: (1) The mailing may be removed and the irregularities corrected, or (2) The percentage of pieces of the entire mailing which were determined to be improperly prepared will be rated at the appropriate full single piece rate of postage. Agency representatives will now have two options. This uniform treatment of similar mail with specific mailing requirements will help eliminate any confusion at the mail acceptance unit regarding verification and documentation procedures.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revision of the Domestic Mail Manual, which is incorporated by reference in the *Federal Register*, 39 CFR 111.1.

#### List of Subjects in 39 CFR Part 111

Postal Service.

#### Part 137—Official Mail

In Part 137, revise 137.2 through 137.8 to read as follows:

##### 137.2 Executive and Judicial Officers—Official Penalty Mail

###### .21 Definition

For the purposes of 137.2 through 137.8, departments, agencies, corporations establishments, commissions, committees and any officers or other authorities of the United States Government authorized to use official penalty mail are generally referred to as "agencies".

###### .22 Collection of Postage and Fees

Agencies must reimburse the Postal Service the equivalent amount of postage and fees due for the official mail service they receive. Instructions governing the manner of reimbursement for official mail service are issued and administered by the Manager, Government Revenue and Examination Branch, Finance Department, USPS Headquarters, Washington, DC 20260-5215. Agencies and any contractors authorized by them to use official mail services must promptly furnish, in the manner and form requested, all information which the Manager

considers necessary to assure accurate measurements of official mail use and adequate budgeting for timely payment. The Manager may require agencies to establish improved methods of estimating or measuring official mail volume, or to use postage meters or other forms of direct accountability for the use of official mail services, where he determines such action is necessary to insure proper reimbursement. Before making any such determination, the Manager will consult with the agency involved to identify possible alternative actions that might be more efficient or more economical. If the Manager decides to require the use of official postage meters or other forms of accountability for the use of official mail services, adequate advance notice must be given to affected agencies.

###### .23 Prepayment of Postage and Fees

Agencies may choose to prepay postage by using regular postage stamps, commercial meters, or any other means available to private sector mailers in addition to, or in lieu of the procedures described in 137.22.

###### .24 Matter Mailable as Official Penalty Mail

.241 Definition. Official penalty mail is the term used to describe matter relating exclusively to the business of the Government of the United States, mailed by officers of the executive and judicial branches of the Government, the legislative counsel for the House of Representatives and the Senate, the Superintendent of Documents, and the Joint Committee on Printing when it mails correspondence concerning the *Congressional Directory*. Note: Mail matter such as retirement announcements, Christmas cards, job resumes, and all similar materials which do not relate exclusively to the business of the Government may not be sent as official penalty mail.

.242 Enforcement. A description of matter mailable as official penalty mail is contained in 137.241. Except as provided in 137.276 and in 115, postal personnel will not detain official penalty mail when violation of these requirements is suspected. Official matter that has been accepted as mail must be promptly dispatched and delivered to the addressee. Reports of matter believed to be nonmailable as official mail are submitted to the Office of Mail Classification, USPS Headquarters, Washington, DC 20260-5360.

###### .25 Special Uses of Official Penalty Mail

*Extension and Home Economics.* All Correspondence, bulletins, and reports relating to agricultural extension work and home economics carried on in cooperation with the United States Department of Agriculture may be sent as official penalty mail, when mailed by the college officer or other person who is connected with the extension department of the college who has been designated by the Secretary of Agriculture. The designated officer may deposit mailings only at the post office authorized by the Director, Office of Mail Classification. Correspondence must be conducted under the name of the designated officer. Correspondence with an autograph signature may be sealed, but all other matter must be left unsealed.

*b. Cooperative Extension Work.* All correspondence, bulletins, pamphlets and other matter promoting cooperative extension work as a Federal enterprise or otherwise relating exclusively to the business of the Government of the United States may be sent as official penalty mail, when mailed by cooperative extension agents of the United States department of Agriculture Extension Service, such as county agents, county home demonstration agents, farm management demonstrators, and farm forestry agents as part of their official duties. Correspondence mailed by cooperative extension employees must be signed by authorized agents of the United States Department of Agriculture, who must give their official titles to indicate they are officers of the United States Government and entitled to use official mail.

*c. Research and Experimentation.* Bulletins, reports, periodicals, reprints of articles, and other publications necessary for the dissemination of results of research and experiments, including lists of publications available for distribution, may be sent as official penalty mail when mailed by agricultural experiment stations designated by the act of March 2, 1887, as amended by the act of August 11, 1955. The officer in charge of a station that claims the privilege of sending materials through the mail without prepayment of postage must file an application with the Office of Mail Classification, Rates and Classification Department, through the post office where the station is located. This application must state the date of establishment of the station, its name or designation, its official organization, the



names of its offices, the name of the college, school, or institution, if any, to which it is attached, the state or territorial legislation providing for its establishment, and any other legislation granting it the benefits of the act of Congress cited above.

d. *College Reports.* Annual reports of Government-aided colleges established under the act of July 2, 1862 may be sent as official penalty mail, when addressed to the Secretary of the Interior, the Secretary of Agriculture, and to any other Government-aided college.

.252 *Bureau of the Census.* Official standard penalty indicium envelopes and labels prepared in accordance with 137.282a and pre-addressed to the Department of Commerce or to one of its bureaus or agencies may be used to transmit mail relating to a collection of statistics, survey, or census authorized by title 13, United States Code.

.253 *State Employment Security Offices.* All mail prepared in accordance with 137.282a(6), 137.283, 137.284 and 137.285 by State employment security offices cooperating with the Department of Labor must be accepted without prepayment of postage or fees. Postage and fees chargeable are collected periodically under a special arrangement with the Postal Service. Such matter must be given the service indicated on the cover.

.254 *General Secretariat of the Organization of American States and Pan American Health Organizations (or Pan American Sanitary Bureau).* The General Secretariat of the Organization of American States and Pan American Health Organization (or Pan American Sanitary Bureau) are authorized by law to transmit official matter without prepayment. Detailed procedures for international mailings of these organizations are located in International Mail Manual (IMM) 221.344 and 221.345.

## .26 Authorizations

.261 *General.* a. Agencies created since publication of the list in 137.262 and other agencies not appearing on the list may inquire of the Manager, Government Revenue and Examination Branch, Finance Department, USPS Headquarters, Washington, DC 20260-5215, regarding possible authorization to use official penalty mail services.

b. The right of an officer to use the official mail privilege ceases immediately when he leaves office.

.262 *Agencies Authorized to use Official Penalty Mail.* The agency sampling code shown in Column A *Sampling Code* must be shown on each piece of standard penalty indicium mail (see Section 137.282). An "M" in Column

A indicates that an agency is required to use postage meters. The *Permit Imprint Identification Code* shown in Column B must be included in the permit indicium of each piece of the agency's permit imprint mail (see 137.284).

(A) Sampling Code	(B) Permit imprint identification code
602 ACTION	021
603 Administrative Conference of the United States	260
426 Administrative Office of the United States Courts	018
566 Advisory Commission on Inter-governmental Relations	034
567 Advisory Committee on Federal Pay	146
568 Advisory Council on Historic Preservation	081
102 Agriculture Stabilization & Conservation Service	096
101 Agriculture, Department of (see component agency)	
318 Air Force, Department of the	001
M Alaska Natural Gas Transportation System, Federal Inspector for	171
353 Alaska Power Administration—Energy	147
516 Alaska Railroad	148
564 Alcohol, Tobacco and Firearms Bureau—Treasury	086
604 American Battle Monuments Commission	149
320 American Forces Information Service	150
605 American States—Pan American Union, Organization of	085
101 Animal & Plant Health Inspection Service—Agriculture	041
606 Appalachian Regional Commission	099
370 Architect of the Capitol	151
569 Architectural & Transportation Barriers Compliance Board	152
314 Army, Department of the	005
570 Blind and Other Severely Handicapped, Commission for Purchase From the Board for (see other part of title)	153
354 Bonneville Power Administration—Energy	135
371 Botanic Garden, United States Bureau of (see other part of title)	154
202 Census, Bureau of the—Commerce	058
607 Central Intelligence Agency	155
608 Civil Aeronautics Board	156
609 Civil Rights, Commission on	073
322 Civilian Health & Medical Program of the Uniformed Services, Office of—Defense	143
514 Coast Guard, United States	157
201 Commerce—Office of the Secretary of Commerce, Department of (see component agency)	046
Commission on (see other part of title)	
610 Commodity Futures Trading Commission	057
556 Comptroller of the Currency, Office of the—Treasury	008
372 Congressional Budget Office	070
612 Consumer Product Safety Commission	072
373 Copyright Royalty Tribunal	159
Council (see other part of title)	
429 Court of Claims, United States	243
430 Court of Customs & Patent Appeals, United States	244
M Court of Military Appeals, United States	251
565 Court of International Trade, United States	252
522 Customs Service, United States—Treasury	097
309 Defense Audiovisual Agency	265
Defense Audit Service	160
M Defense Communications Agency	060
312 Defense Contract Audit Agency	161
Defense, Department of (see component agency)	
302 Defense—(components not listed elsewhere)	079
306 Defense Intelligence Agency	162
328 Defense Investigative Service	131
304 Defense Logistics Agency	053
326 Defense Mapping Agency	002
310 Defense Nuclear Agency	163
622 Depository Institutions Deregulatory Committee	124
437 Drug Enforcement Administration—Justice	033
476 Economic Advisers, Council of	164
209 Economic Analysis, Bureau of—Commerce	056
204 Economic Development Administration—Commerce	165
101 Economic Research Service—Agriculture	145
395 Education, Department of	017
449 Employment & Training Administration—Employment Security	012
350 Energy, Department of (components not otherwise listed)	020
559 Engraving and Printing, Bureau of—Treasury	166
335 Environmental Protection Agency	035
477 Environmental Quality, Council on	105
613 Equal Employment Opportunity Commission	014
M Executive Office of the President—Office of Administration	141
614 Farm Credit Administration	167
103 Farmers Home Administration—Agriculture	266
515 Federal Aviation Administration—Transportation	044
432 Federal Bureau of Investigation—Justice	168
615 Federal Communications Commission	111
101 Federal Crop Insurance Corporation—Agriculture	112
616 Federal Deposit Insurance Corporation	036
617 Federal Election Commission	031
625 Federal Emergency Management Agency	114
351 Federal Energy Regulatory Commission—Energy	142
571 Federal Financial Institution Examination Council	169
512 Federal Highway Administration—Transportation	066
618 Federal Home Loan Bank Board	150
619 Federal Labor Relations Authority	139
561 Federal Law Enforcement Training Center—Treasury	093
620 Federal Maritime Commission	172
621 Federal Mediation and Conciliation Service	173
573 Federal Mine Safety & Health Review Commission	174
435 Federal Prison Industries—Justice	175
516 Federal Railroad Administration—Transportation	128
622 Federal Reserve System, Board of Governors of the	124
361 Federal Supply Service—GSA	176
623 Federal Trade Commission	062
624 Fine Arts, Commission of	177
423 Fish and Wildlife Service—Interior	077
101 Food and Nutrition Service—Agriculture	039
101 Food Safety & Quality Service—Agriculture	042
101 Foreign Agricultural Service	262
427 Foreign Claims Settlement Commission of the United States	178
M Forest Service—Agriculture	040
374 General Accounting Office	100
361 General Services Administration	030
413 Geological Survey—Interior	023
553 Government Financial Operations, Bureau of—Treasury	004
375 Government Printing Office—Superintendent of Documents	180
377 Government Printing Office—Superintendent of Documents	026
376 Government Printing Office (components not otherwise listed)	181
583 Harry S. Truman Scholarship Foundation	016
Health & Human Services (HHS) (see component agencies)	
391 Health and Human Services, Department of (components not otherwise listed)	045
392 Health Care Financing Administration—HHS	028
417 Heritage Conservation and Recreation Service—Interior	083
401 Housing and Urban Development, Department of	051
393 Human Development Services, Office of—HHS	098
433 Immigration and Naturalization Service—Justice	078
414 Indian Affairs, Bureau of—Interior	074
M Inter-American Foundation	183
Interior, Department of (see component agency)	
418 Interior, Department of the (components not otherwise listed)	065
554 Internal Revenue Service—Treasury	048
686 International Boundary and Water Commission	184



(A) Sampling Code	(B) Permit imprint identification code
627 International Broadcasting, Board for.....	185
628 International Communication Agency.....	186
629 International Development Cooperation Agency, United States.....	107
M International Joint Commission—U.S. & Canada.....	122
208 International Trade Administration—Commerce.....	054
653 International Trade Commission, United States.....	253
630 Interstate Commerce Commission.....	064
575 Japan, U.S. Friendship Commission.....	187
631 John F. Kennedy Center for the Performing Arts.....	108
303 Joint Chiefs of Staff.....	188
436 Justice Assistance, Research and Statistics, Office of.....	091
Justice, Department of (see component agency)	
441 Labor, Department of.....	059
415 Land Management, Bureau of—Interior.....	076
378 Library of Congress.....	103
479 Management and Budget, Office of.....	080
431 Management and Finance Information System, Office of.....	071
317 Marine Corps, United States.....	063
576 Marine Mammal Commission.....	189
207 Maritime Administration.....	117
632 Merit Systems Protection Board.....	113
654 Metric Board, United States.....	101
450 Mine Safety & Health Administration—Labor.....	190
416 Mines, Bureau of—Interior.....	191
208 Minority Business Development Agency—Commerce.....	192
555 Mint, Bureau of the—Treasury.....	007
M Motor Carrier Rating Study Commission.....	261
451 National Aeronautics and Space Administration.....	027
215 National Bureau of Standards—Commerce.....	195
633 National Capital Planning Commission.....	196
578 National Commission on Libraries and Information Science.....	116
M National Commission on Student Financial Assistance.....	144
634 National Credit Union Administration.....	088
635 National Endowment for the Arts.....	050
636 National Endowment for the Humanities.....	043
637 National Gallery of Art.....	047
517 National Highway Traffic Safety Administration—Transportation.....	090
398 National Institute of Education.....	025
638 National Labor Relations Board.....	132
639 National Mediation Board.....	197
210 National Oceanic & Atmospheric Administration—Commerce.....	019
417 National Park Service—Interior.....	083
640 National Science Foundation.....	069
480 National Security Council.....	198
211 National Technical Information Service—Commerce.....	015
216 National Telecommunications & Information Administration—Commerce.....	199
641 National Transportation Safety Board.....	200
M Native Hawaiians Study Commission, United States.....	263
579 Navajo Hopi Indian Relocation Commission.....	138
316 Navy, Department of the.....	009
642 Nuclear Regulatory Commission.....	067
657 Nuclear Safety Oversight Committee.....	133
643 Occupational Safety and Health Review Commission.....	222
Office of (see other part of title)	
Organization of (see other part of title)	
644 Overseas Private Investment Corporation.....	223
688 Pan American Health Organization.....	061
645 Panama Canal Commission.....	224
502 Passport Administration—State.....	225
502 Passport Office—State.....	226
212 Patent Office—Commerce.....	084
611 Peace Corps—Action.....	264
646 Pennsylvania Avenue Development Corporation.....	227
447 Pension Benefit Guaranty Corporation.....	092
245 Personnel Management, Office of.....	024
M Postal Rate Commission.....	228
Postal Service, U.S.....	010
581 President's Commission for the Study of Ethical Problems in Medicine & Biomedical & Behavioral Research.....	229
434 Prisons, Bureau of—Justice.....	231

(A) Sampling Code	(B) Permit imprint identification code
560 Public Debt, Bureau of the—Treasury.....	232
396 Public Health Service—HHS.....	029
648 Railroad Retirement Board.....	120
420 Reclamation, Bureau of—Interior.....	110
213 Regional Development, Office of—Commerce.....	233
510 Research & Special Programs Administration—Transportation.....	126
519 St. Lawrence Seaway Development Corporation—Transportation.....	234
562 Savings Bond Division, United States—Treasury.....	055
105 Science and Education Administration—Agriculture.....	095
481 Science and Technology Policy, Office of.....	235
563 Secret Service, United States—Treasury.....	258
649 Securities and Exchange Commission.....	123
650 Selective Service System.....	119
475 Small Business Administration.....	082
651 Smithsonian Institution.....	094
397 Social Security Administration—HHS.....	011
655 Soldier's & Airmen's Home, United States.....	254
355 Southeastern Power Administration—Energy.....	236
358 Southwestern Power Administration—Energy.....	237
501 State, Department of.....	130
101 Statistical Reporting Service—Agriculture.....	038
428 Supreme Court of the United States.....	238
424 Surface Mining Reclamation and Enforcement, Bureau of—Interior.....	239
352 Synthetic Fuels Corporation, United States.....	255
439 Tax Court, United States.....	256
482 Trade Representative, Office of the United States.....	257
379 Technology Assessment, Office of.....	240
652 Tennessee Valley Authority, Transportation, Department of (see component agency)	241
518 Transportation, Department of (components not otherwise listed).....	127
518 Transportation Systems Center—Transportation.....	242
Treasury, Department of the (see component agency)	
556 Treasury—Office of the Comptroller of the Currency.....	008
551 Treasury—(all components not otherwise listed).....	052
307 University of Health Services—Uniformed Services.....	259
511 Urban Mass Transportation Administration.....	129
601 Veterans Administration.....	075
659 Wartime Relocations and Internment of Civilian, Commission on.....	140
585 Water Resources Council.....	068

### 263 Contractors.—a.

**Reimbursement.** Agencies authorized to use the official mail privilege must reimburse the Postal Service for contractor use of official penalty mail services. Agencies must promptly furnish, in the manner and form requested, all information concerning contractor use of official penalty mail services which the Manager, Government Revenue and Examination Branch, considers necessary to insure accurate reimbursement to the Postal Service. Contractors are prohibited the use of the standard penalty indicium envelopes or labels described in 137.282.

**b. Postage Formats and Classes of Mail.** Contractors who mail official matter without prepaying postage are limited to the use of the following official postage formats or classes of mail: (1) Permit Imprint-described in 137.284, (2) Second-class/controlled

circulation-described in 137.29, (3) the postage meter method-described in 137.283, (4) Express Mail (see Chapter 2), or (5) the reply mail method-described in 137.285.

**c. Contractor Progress Reports.** When agencies require contractors to provide progress reports or to return government materials to the agency by mail, they may require the contractor to prepay postage or, as an alternative, they may provide contractors with business reply envelopes and labels for these purposes (137.285).

**d. Return Addresses.** Official envelopes and labels used by any contractor without prepayment of postage must bear the printed return address of one of the authorized agencies listed in 137.262. The formats referenced in 137.263.b. above must be used. No return name and address of a private person, concern, organization, or contractor may be shown. When a special service is required for contractor mailings, the type of service desired must be printed on the envelope or label. Private users of official envelopes and labels may not add their own marking for these services.

### 27 Services and Classes Available.

**271 Policy.** It is Postal Service policy to provide official mail customers the same services accorded to private mailers unless otherwise provided by law or regulation. However, agencies are not entitled to send official mail at nonprofit, library or other subsidized rates. They must also use the full unphased rates for all classes of mail matter for which postage rates are phased. This currently involves mailings made at second-class rates.

**272 Weight and Size limits.** Official mail must conform to the weight, size, and shape requirements for the class of mail being used (see individual classes of mail).

**273 ZIP Coding of Mail.** The address and return address on all official mail must include a ZIP Code.

**274 Forwarding, Return, and Address Correction Services.** Official mail on which forwarding, return, or address correction service has been requested must be given the service requested without being rated for collection of postage due.

**275 Mail Preparation.—a. General.** Official mail must be separated according to the class of mail and special service requested before it is presented to the post office. Official mail must be prepared in the same manner as similar mail of the private sector. Accordingly, First-Class Presort, second-class, bulk third-class, and special rate fourth-class mail must be



prepared under 360, 460, 660 or 760 respectively. The postmaster will furnish appropriate sack labels with which to identify the various types of mail. Official mail must be presented for acceptance and verification at the entry post office in accordance with the same instructions and requirements for similar mail of the private sector except as otherwise provided in these regulations.

b. *Bulk Mailings.* (1) Bulk rate mail must be accompanied by the appropriate Postal Service mailing statement. If presented without the appropriate mailing statement, it will be refused.

(2) The mailing fees for First-Class Presort and bulk third-class mail are billed and charged centrally from Postal Headquarters based on records of mailing activity. As of June 11, 1983, agencies do not require special authorization to mail at these rates.

.276 *Acceptance.* Improperly prepared official mail will be rejected and returned for correction unless the mailer elects to pay the appropriate single-piece rates for that portion of the mail which was improperly prepared. Acceptance unit employees will employ the same verification and notification procedures for official mail as those required for private mail.

.227 *Special Services.* Official mail may be endorsed to indicate a special service and is given the indicated service without prepayment of fees and postage. Reimbursement for special mail services is obtained under instructions issued by the Manager, Government Revenue and Examination Branch. For a description of the available services, see Chapter 9.

.278 *Short-paid and Unpaid Mail.* The procedures for handling short-paid and unpaid mail in 146 apply to official mail except that agencies are authorized to pay for short-paid mail with official mail postage meter strips. The meter strip must be in the exact amount of the postage due and bear the current date.

.297 *International Mail Services.* Official penalty mail of agencies may be sent to other countries. Such mail is subject to the weight and size limits and other conditions prescribed in IMM 221.34 and 324.4. Reimbursement for the services received is covered by 137.22. However, agencies may elect to prepay the postages and fees in accordance with 137.23.

.28 *Official Penalty Mail Postage Formats.*

.281 *General.—a. Formats and Methods.* There are four separate formats and methods of mailing official penalty mail: (1) Standard penalty indicium mail, (2) Official metered mail, (3) Official permit imprint mail, and (4)

Official reply mail. In addition, there are special procedures for official second-class mail and official Express Mail.

b. *Items Carried Outside the U.S. Mail.* All official mail matter must conform to the requirements described in 137.282 through 137.285. Envelopes and labels prepared according to these requirements may be used only to transmit official mail, and must not be used on items carried outside the U.S. Mail except:

(1) When official items are carried by employees of the originating agency;

(2) When official items are carried by contractors for subsequent entry into the U.S. Mail under the provisions of 137.263; or

(3) When agencies reach written agreement with the Manager, Government Revenue and Examination Branch, to account for and pay postage on official items carried outside the U.S. Mail to avoid violation of the Private Express Statutes (18 U.S.C. 1693-1699 and 39 U.S.C. 601-606).

c. *Postage Prepaid.* Agency mail which is not sent by use of official envelopes or labels as provided in 137.282 through 137.285 must have postage prepaid.

.282 *Standard Penalty Indicum.—a. Indicia Requirements.* All official mail using the standard penalty indicium must comply with the following specifications:

(1) *Format.* The indicium must be printed and must consist of the postal emblem (See Exhibit 137.282a(1)), located  $\frac{1}{2}$  of an inch from the top edge of the mail piece. In addition, immediately below the postal emblem, the words *POSTAGE AND FEES PAID*, the name of the agency, and the agency sampling number listed in 137.262 column A must appear. Any endorsement for a special service or class of mail must be placed approximately  $\frac{1}{4}$  of an inch below the indicium. The complete return address and the words *OFFICIAL BUSINESS, PENALTY FOR PRIVATE USE, \$300* must appear in the upper left corner of the mail piece (see Exhibit 137.282a(4)). The penalty statement may not be handwritten or typewritten.

(2) *FIM.* The Facing Identification Mark (FIM), a vertical bar code pattern which functions as an orientation mark for automatic facing and canceling equipment, is required on letter-size mail as follows:

(a) An area of 3 inches by  $1\frac{1}{2}$  inches in the upper right corner of the address side of each mail piece must be reserved for the indicium and the FIM. The entire indicium, including the postal emblem, must be within  $1\frac{1}{2}$  inches from the right edge and within  $1\frac{1}{2}$  inches from the top edge of the mail piece. A FIM must be

printed on all letter-sized mail pieces, including cards, envelopes, and self-mailers (see 128), but is not required on labels or envelopes larger than letter-size.

(b) The FIM must be positioned so that the distance from the right edge of the mail piece to the nearest FIM bar is 2 inches plus or minus  $\frac{1}{8}$  of an inch, and the top of the FIM pattern is within  $\frac{1}{8}$  of an inch of the top edge of the mail piece. It is permissible for the pattern to touch the top edge of the mail piece. The bars must be at least  $\frac{1}{8}$  of an inch long. A clear area free of any other printing must be maintained around the FIM, beginning  $1\frac{1}{2}$  inches from the right edge of the mail piece and extending  $1\frac{1}{2}$  inches to the left. The clear area must extend  $\frac{1}{8}$  of an inch down from the top edge. (See Exhibit 137.282a(1)). Additional specifications for printing the FIM are contained in Publication 12, *ZIP + 4 Bar Code and FIM Printing Guidelines*.

(c) Because the spacing between the vertical bars must be precise, the Postal Service provides negatives which must be used for printing the FIM pattern. In all cases, Postal Service specifications and negatives must be used. The specifications and negatives for FIM are available from local post offices or from the Manager, Government Revenue and Examination Branch, Finance Department, USPS Headquarters, Washington, DC 20260-5215. A FIM must appear on all letter-size mailing pieces procured beginning April 1, 1982. Stocks of cards, envelopes, and self-mailers procured before April 1, 1982, which do not bear a FIM may be used until exhausted.

The following exceptions apply to FIM requirements: (i) The FIM pattern and use of the postal emblem as part of the indicium is optional on larger than letter-size mail, (ii) the postal emblem and FIM pattern may be omitted on self-mailers completely printed by computer with no provision for printing designs other than letters and numbers, provided the items are faced, sorted and tied in bundles by ZIP Code, (iii) the FIM pattern is not required on second-class mail, permit imprint or metered mail.

(3) *Mail of a Designated State Extension Director.* Official mail of a designated State extension director must bear in the upper left corner the name of the agricultural college and the name of the post office at which the mail is to be accepted without prepayment of postage. This must be followed by the name and title of the designated officer and the words *COOPERATIVE AGRICULTURAL EXTENSION WORK—ACTS OF MAY 8 AND JUNE*



30, 1914. The words *POSTAGE AND FEES PAID U.S. DEPARTMENT OF AGRICULTURE*, and the agency sampling number (column a, 137.262) must appear in the upper right corner of the address side immediately below the postal emblem. The FIM pattern must be used as described in 137.282a(2).

(4) *Mail of Agricultural Experiment Stations*. Official mailings by agricultural experiment stations must bear in the upper left corner of the address side: the name of the station, the name of the post office at which the matter is to be accepted, and the name and title of the officer in charge of the station, followed by the word *PUBLICATION*. The title of the bulletin or report may be used. The words *POSTAGE PAID, U.S. DEPARTMENT OF AGRICULTURE*, and the agency number must appear in the upper right corner of the address side immediately

below the postal emblem. The FIM pattern must be used as described in 137.282a(2).

(5) *Mail of Cooperative Extension Agents*. Official mailings of cooperative extension agents described in 137.251b must be prepared in accordance with the provisions of 137.282a (1) through (4).

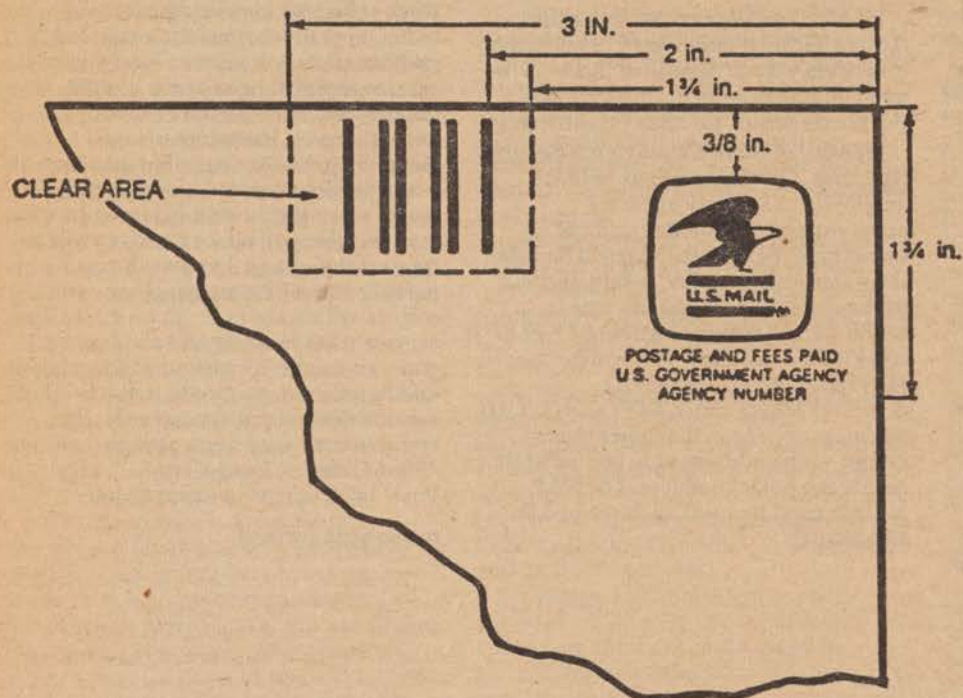
(6) *Mail of State Employment Security Agencies*. Official mailings of State employment security agencies cooperating with the Department of Labor must bear in the upper left corner the name and complete return address of the state agency and the words *OFFICIAL BUSINESS, PENALTY FOR PRIVATE USE, \$300*. The words *POSTAGE AND FEES PAID, EMPLOYMENT SECURITY MAIL, LAB 449* must appear in the upper right corner of the address side immediately below the postal emblem. The FIM pattern must be used as described in 137.282a(2).

b. *Endorsement of Class of Mail*. Standard penalty indicium mail may only be endorsed for mailing at single piece rates. All standard penalty indicium mail which is not endorsed for another class will receive First-Class service and will be charged at First-Class rates, with the following exceptions: (1) Unendorsed mail weighing over 12 ounces but less than 16 ounces will be treated and charged as single piece third-class, (2) Unendorsed mail weighing 16 ounces or over will be treated and charged as fourth-class parcel post, (3) Pieces weighing over 12 ounces which are to be given First-Class service must be endorsed as "Priority" mail. To assure consistency of treatment and handling appropriate to the level of service desired, all agencies should endorse their flats and small parcels as "First-Class", "Third-Class", "Parcel Post" or "Priority" as appropriate.

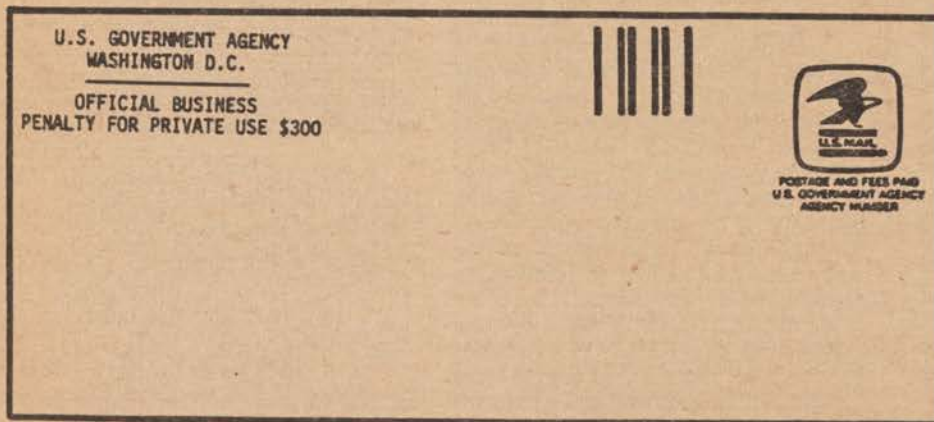
BILLING CODE 7710-12-M



## EXHIBIT 137.282a(1)



## EXHIBIT 137.282a(4)



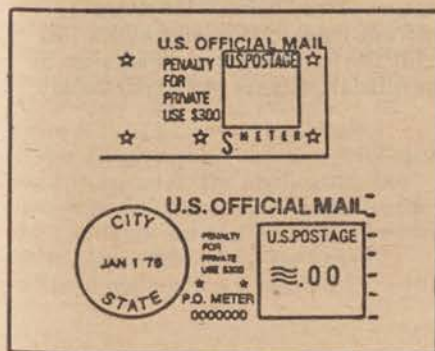


**283 Official Meters.—a. License.**

Agencies may obtain a license to use an official postage meter by submitting Form 3601-A, *Application For a Postage Meter License*, to the Manager, Government Revenue and Examination Branch, Finance Department, U.S. Postal Service, Washington, DC 20260-5215. A separate application must be submitted for each meter to be set. A copy of each approved license will be sent to the post office at the requested location and will authorize setting one official postage meter without prepayment.

**b. Meter Indicum.** Special Official mail meter stamp designs are prescribed for metered official mail (see Exhibit 137.283b). Official mail envelopes used with a postage meter system must not contain the standard penalty indicium or other printing in the area where postage will be applied. The FIM pattern described in 137.282a(2) must not be used on official metered mail. However, postmasters at post offices where official meters are licensed may grant an exception to this requirement by allowing agencies a reasonable time to use existing supplies of standard penalty indicium envelopes by printing meter impressions over the indicia. This should be permitted only when the surplus indicium envelopes cannot reasonably be used at another non-metered location. If this exception is granted, post offices should also ensure that all standard penalty indicium envelopes mailed have metered postage printed over the indicia. The complete return address and the words *OFFICIAL BUSINESS* must appear in the upper left corner of the mail piece.

EXHIBIT 137.283(b)



**c. Meter Settings and Payment.** (1) Only one meter may be set for each

license issued. Payment is not required at the time an official meter is set. Agencies are charged for all meter settings from Postal Service Headquarters for the amount of postage set during each quarter, based on reports prepared by the meter-setting office.

**Note.**—Since the requirement for meter inspection every six months (144.224) applies to official meters, and since payment is based on the amount of postage set rather than the amount used, agencies should take advantage of the inspection requirement to have their meters set at least once every six months. In this way an agency can achieve budgetary control over metered postage.

(2) Official meter imprints should indicate the correct postage, including any applicable surcharge for the class and weight of the mail piece. Official metered mail with insufficient postage imprinted must be handled in accordance with 146.13. If official envelopes and labels designed for meter use are found in the mail without a meter stamp, they must be handled in accordance with 146.12.

**d. Spoiled Meter Postage.** To obtain credit, an agency must present spoiled meter postage to the setting post office. When spoiled postage is presented, the procedures in 147.2 must be followed by completing Form 3533, *Application and Voucher for Refund of Postage and Fees*. No refunds may be made in cash or applied to a meter. Agencies will be credited with the spoiled postage amount by reports prepared at the meter setting office.

**e. Changing Meter Location.** When an official mail postage meter is transferred from one post office to another, the agency must reapply in accordance with 137.283a for a license authorizing the new post office to set the meter without prepayment. Official meters may be transferred between stations or branches of the same post office with the permission of the postmaster. A new license application or notification to Headquarters is not required for such transfers within the same office.

**f. On-site Meter Settings.** Agencies which desire on-site meter settings must pay the setting fee prescribed in 144.35 when the meter is set.

**Note.**—Agencies are not required to prepay the actual amount of postage set.

**g. Replacement Meters.** If a meter is replaced, the remaining postage is

transferred from the original meter to the replacement meter. It will not be transferred to a meter operating under a different license number. For meters checked out-of-service without replacement, see 137.283h.

**h. Checking Meter Out-of-Service.** When an official mail meter is checked out-of-service without replacement, and postage remains on the meter, no cash refund will be given by the post office. Credits due will be reported on Form 3612, *Quarterly Report of Official Mail Meter Settings*, and an appropriate adjustment made at the headquarters level.

**284 Official Permit Imprint Mail.—**

**a. Application.** (1) Agencies may apply to use permit imprint procedures by completing two (2) copies of PS Form 3601, *Application to Mail Without Affixing Postage Stamps*. Both copies must be presented to the post office where the mailings will be deposited. The post office must send one copy to the Manager, Government Revenue and Examination Branch, Finance Department, Washington, DC 20260-5215. The appropriate permit imprint fee will be billed and charged centrally, based on application forms on file at USPS Headquarters.

(2) When a contractor mails permit imprint matter and the entry post office is known, the agency must follow the procedures described in 284(a). If the entry post office is not known, the agency provides both copies of the completed Form 3601 to the contractor for submission to the entry post office.

**b. Indicum Requirements.** The official permit imprint indicium must appear in a rectangular box in the upper right corner of the mail piece. The permit indicium includes the class of mail, the words, *Postage and Fees Paid*, the agency name, and the agency's assigned permit imprint identification code in 137.262 Column B. This number must always be preceded by the letter "G". The city of mailing and the date may be included but are not required. Examples of the official mail permit imprint indicium are provided in Exhibit 137.284b. The complete return address and the words, *OFFICIAL BUSINESS, PENALTY FOR PRIVATE USE, \$300* must appear in the upper left corner. The FIM pattern described in 137.282a(2) must not be used on official permit imprint mail.



## EXHIBIT 137.284(b)

PRESORTED FIRST-CLASS MAIL  
POSTAGE & FEES PAID  
USAF

PERMIT NO. G-1

THIRD CLASS  
POSTAGE & FEES PAID  
USAF

PERMIT NO. G-1

c. *Mailings.* Official mail sent under permit imprint procedures must meet the provisions of 145, except for 145.43 and 145.66. Agencies and their contractors may enter non-identical pieces of official permit imprint mail if the mail is submitted with Form 3602-G, *Statement of Mailing with Permit Imprints—U.S. Government Regular Rate*. Only non-identical mailings of single piece rate official permit imprint mail may be submitted with Form 3602-G. All volumes appearing on Form 3602-G will be charged at the appropriate regular single piece rates. All other official permit imprint mailings must be submitted with the USPS mailing statement as prescribed in 145.

.285 *Official Reply Mail. a. Restriction to Approved Formats.* Agencies may distribute official envelopes, cards, cartons, or labels to any person, concern, or organization from whom or through whom official matter is desired, by using either the business reply format provided by 137.285e or the metered reply format provided by 137.285c, by following the fourth-class and special services reply procedures in 137.285d, or by affixing adhesive postage stamps (prepayment of postage). Standard penalty indicium envelopes, cards, cartons, and labels described in 137.282a may not be distributed for reply purposes except as provided in 137.285d and 137.252.

b. *Prepayment of Reply Mail.* Adhesive postage stamps may be

affixed to cards and envelopes distributed for reply purposes under the provisions of 137.23.

c. *Official Metered Reply Mail.* An agency which holds a postage meter license may distribute official metered reply cards and envelopes for return to the meter license holder, as provided in 144.112. Instructions in 144.112 a, b and c governing the preparation of the address side of metered reply cards and envelopes also apply to official metered reply mail.

d. *Official Fourth-Class and Special Services Reply Mail.* Agencies may distribute official envelopes, cards, cartons or labels for return at fourth-class rates or for return with a special service, by using the standard penalty indicium format in 137.282a. Prior written approval is required from the Manager, Government Revenue and Examination Branch. Requests to use this procedure must be submitted in writing to the Manager, Government Revenue and Examination Branch, Finance Department, USPS Headquarters, Washington, DC 20260-5215. Such requests must include: (1) The service desired, (2) The post offices to which the mail will be returned, and (3) The proposed procedures to determine actual volume and postage due. Return envelopes, cards, cartons, or labels distributed under this provision must have the appropriate fourth-class endorsement or the desired special service preprinted on them.

e. *Official Business Reply.*—(1)

*Application.* (a) An agency may apply to furnish official return envelopes to correspondents by filing an application in duplicate on Form 3614, *Application to Distribute Business Reply Cards, Envelopes, Cartons and Labels*. The application may be filed at the post office where the mail will be returned, or at the post office where the agency headquarters is located if mail bearing a single business reply mail permit number will be returned to offices in more than one city.

(b) Agencies must notify the Manager, Government Revenue and Examination Branch, if business reply mail having a single permit number will be returned through post offices other than the permit issuing post office. This notification must include, for each permit number, the addresses and cities where mail will be returned.

(2) *Format Requirements.* Official business reply envelopes must bear the address of one of the authorized agencies listed in 137.262, or one of their component units. They must be printed in the format required by 917.5 with the following exceptions:

(a) The legend required by 917.52a(4) must read *POSTAGE WILL BE PAID BY (name of authorized agency)*.

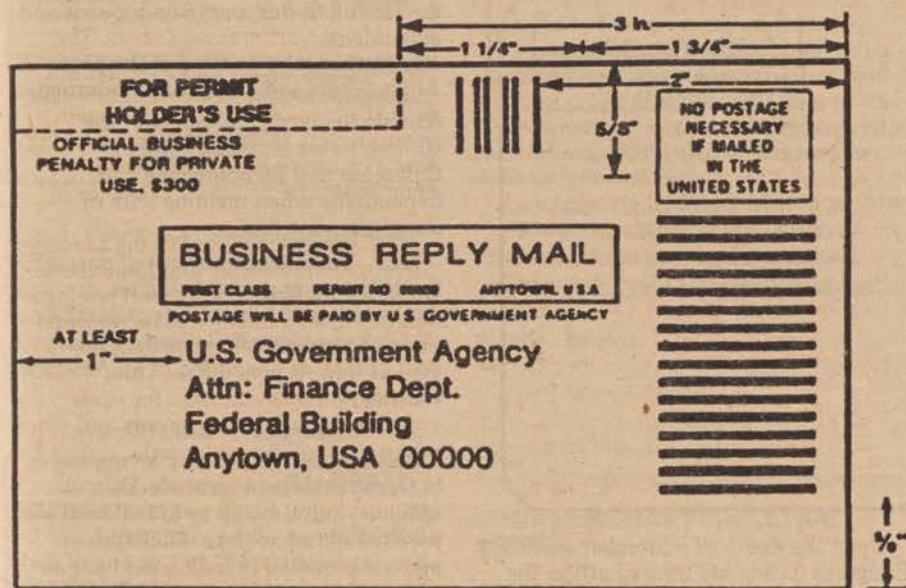
(b) The address may be printed, typewritten, or handstamped directly on the mail piece, or a printed gummed label may be affixed in the address area. It may not be handwritten. All other preparation requirements for the address side in 917.51 must be met.

(c) The space for permit holders' use described in 917.52b(3)(e) must include the statement, *Official Business, Penalty for Private Use, \$300*. Space above this statement may be used for return address, logos, distribution codes, etc.

(d) The following is an illustration of the official business reply mail format:



## EXHIBIT 137.285e(2)(d)



(not actual size)

(3) *Payment of Postage and Fees.* Post offices will not collect money from agencies in connection with the issuance of business reply permits or for postage and fees due on such mail. Annual permit fees, accounting fees, and postage and business reply fees will be paid by agencies in accordance with the reimbursement procedures of 137.22.

.29 *Procedures for Certain Classes of Official Mail.*

.291 *Official Second Class Mail.—a. Application.* Agencies may apply for second-class mail privileges for periodical publications which meet the basic qualifying conditions stated in 421 by completing Form 3501, *Application for Second-Class Mail Privileges*, or Form 3511, *Application for Mailing Under Controlled Circulation Privileges*, (as appropriate). The application and two copies of the publication for which the privileges are desired should be filed at the post office where the known office of publication is located.

b. *Mailing Format.* Official mail sent at second-class rates must meet the provisions of Chapter 4, except for 462 and 481. An official mail second-class imprint must be printed preferably in the upper right corner, on the address side of each copy, or its envelope or wrapper. The imprint must contain the words *SECOND-CLASS MAIL* or *SECOND-CLASS NEWSPAPER* (as appropriate), *POSTAGE AND FEES PAID*, and the agency name. In addition, when the publication has been assigned an International Standard Serial Number (ISSN) by the Library of Congress, that number is to be shown in the second-class imprint; otherwise, the publication number assigned by the Postal Service at the time of application will be shown in the imprint. Each copy or its envelope or wrapper must also contain the words, *OFFICIAL BUSINESS, PENALTY FOR PRIVATE USE, \$300* immediately below the return address, preferably in the upper left corner (see Exhibit 291.b).



## EXHIBIT 291.b.

U.S. Air Force  
1 Military Drive  
Flytown, USA 00001  
OFFICIAL BUSINESS  
PENALTY FOR PRIVATE  
USE, \$300

SECOND CLASS MAIL  
POSTAGE AND FEES PAID  
U.S. AIR FORCE  
ISSN: 2837654

.292 *Official Express Mail.* Agencies have the same service and contract options as private mailers when making arrangements for Express Mail Services. A description of the available services is contained in Chapter 2. The procedures for billing agencies for Express Mail Service are explained in Handbook Series M-68, *Express Mail Service*, Chapter 7, *Federal Agency Special Permit and Postage Trust Accounts*. Postmasters should be consulted before the start of service.

### 137.3 Individuals

#### .31 *President-Elect*

All mail sent by any President-elect in connection with preparations for the assumption of official duties as President may be accepted subject to the provisions of 137.261b.

#### .32 *Former President and Surviving Spouse of Former President*

All nonpolitical mail of former United States Presidents, and of the surviving spouse of a former President, must be accepted without prepayment of postage if it bears the written signature of the sender, or a facsimile signature and the words *Postage and Fees Paid* in the upper right corner of the address side.

#### .33 *Surviving Spouse of Member of Congress*

Upon the death of a Member of Congress during his term of office, the surviving spouse of such Member may send without prepayment of postage, for a period not to exceed one hundred and eighty days after the death of the Member, correspondence relating to the death of the Member, provided it bears the written signature of the sender, or a facsimile signature in the upper right corner of the address side. Where there is no surviving spouse, franked mail may be sent out by a member of the immediate family of a Member of Congress who dies in office. The member of the immediate family must be designated to send such mail by the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate.

### 137.4 Absentee Balloting Materials

.41 *Purpose.*—411 Balloting materials, consisting of post card applications, ballots, voting instructions, and envelopes, may be sent through the mail without prepayment of postage to enable every person in any of the following categories to apply for registration and to vote by absentee ballot when absent from the place of voting residence, and when otherwise eligible to vote as an absentee:

a. Members of the Armed Forces while in the active service and their spouses and dependents.

b. Members of the Merchant Marine of the United States and their spouses and dependents.

c. Citizens of the United States residing for a definite or indefinite time outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them.

.412 To be mailable free of postage, the balloting materials must be deposited at a United States Post Office or an overseas United States Military Post Office, or presented to an American Embassy.

#### .42 *Mailings Between Officials.*

Balloting materials may be mailed between State and local election officials, individually or in bulk, without prepayment of postage. Packages of materials mailed in bulk must bear an address label complying with 137.441.

#### .43 *Elections Affected.*

Materials may be sent for any general election of electors for President and Vice President, or of Senators and Representatives in Congress, and for other general, primary, and special elections.

#### .44 *Required Markings.*—441

Envelopes used to send balloting material and envelopes supplied for return of the ballot must have printed across the face two parallel horizontal red bars, each  $\frac{1}{4}$  of an inch wide, extending from one side of the envelope to the other side, with an intervening space of  $\frac{1}{4}$  of an inch, the top bar to be  $1\frac{1}{4}$  inches from the top of the envelope, and the words *Official Election Balloting Material* or similar language prescribed by State law, between the bars. There must be printed in the upper right corner of each envelope in a rectangular box the words *U.S. Postage Paid 42 U.S.C. 1973dd*. All printing on the face of the envelope must be red, with an appropriate inscription or blanks for the return address of the sender in the upper left corner (see Exhibit 137.441).



## EXHIBIT 137.441

.442 The Federal voting registration post card application must be approximately 5x8 inches in size. The design shown in Exhibit 137.442 must be printed in red ink on the address side of the card.

## EXHIBIT 137.442

.443 Facing Identification Marks (FIM) must be printed on the address side in accordance with specifications in Pub 12. The shade of red ink identified as Pantone 193U will generally meet print reflectance needs (30 percent) when used on white or light colored paper stock. A darker shade of red ink will be needed on darker paper stock.

## 137.5 General Instructions

These instructions apply to both Franked Mail and Official Penalty Mail.

## .51 Official Mail Not To Be Detained.

Except as provided in 137.275 and 115, official mail will not be detained even though there are indications of abuse of official mailing privileges. It will be promptly dispatched and delivered to the addressee. Reports of indicated abuses are submitted to the Office of Mail Classification, Rates and Classification Department, USPS Headquarters, Washington, DC 20260-5360.

## .52 Separation of Official Mail By Mailer.

Official mail must be separated according to the class of mail and special service requested before it is deposited at the post office. Second-class, controlled circulation, bulk third-class and special rate fourth-class mail must be prepared under 450, 660, or 760. The postmaster will furnish appropriate sack labels with which to identify the various types of mail.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401, 3201-3218, 42 U.S.C. 1973cc-13, 1973cc-14)

W. Allen Sanders,

Associate General Council, Office of General Law and Administration.

[FR Doc. 82-27725 Filed 10-7-82; 8:45 am]

BILLING CODE 7710-12-M

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 60

[AD-FRL-2135-3]

## Proposed Determination Not To Revise Standards of Performance for New Stationary Sources; Primary Zinc and Lead Smelters

AGENCY: Environmental Protection Agency.

ACTION: Review of Standards.

SUMMARY: The Environmental Protection Agency (EPA) is required under the Clean Air Act, as amended, August 1977, to review established standards of performance and to revise such standards, if appropriate, at least every 4 years. This notice announces that EPA has reviewed the standards of performance for primary zinc and lead smelters which were published on January 15, 1976 (41 FR 2332) and is proposing not to revise these standards at this time.

DATE: Comments must be received on or before December 7, 1982.

## ADDRESSES:

Comments. Send comments to the Central Docket Section (A-130), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Attention: Docket No. A-81-26.

Docket: Information used in reviewing the standards is contained in Docket No. A-81-26. The docket is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

## FOR FURTHER INFORMATION CONTACT:

Mr. Stanley T. Cuffe (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711; telephone (919) 541-5595.

## SUPPLEMENTARY INFORMATION:

## Background

Standards of performance for new and modified primary zinc and primary lead smelters were promulgated on January 15, 1976 (41 FR 2332), pursuant to Section 111 of the Clean Air Act, as amended. The promulgated standards of performance for new and modified primary zinc smelters limit emissions of particulate matter contained in the gases discharged into the atmosphere from sintering machines to 50 mg/dscm (0.022 gr/dscf). The opacity of these gases is limited to 20 percent. Emissions of sulfur dioxide contained in the gases discharged into the atmosphere from roasters and from any sintering machine which eliminates more than 10 percent of the sulfur initially contained in the zinc sulfide concentrates processed are limited to 0.065 percent by volume (650 parts per million) averaged over a two-hour period. In addition, where a sulfuric acid plant is used to comply with this standard, the opacity of the gases discharged into the atmosphere is limited to 20 percent.

The promulgated standards of performance for new and modified primary lead smelters limit emissions of particulate matter contained in the gases discharged into the atmosphere from blast furnaces, dross reverberatory furnaces and sintering machine discharge ends to 50 mg/dscm (0.022 gr/dscf). The opacity of these gases is limited to 20 percent. Emissions of sulfur dioxide contained in the gases discharged into the atmosphere from sintering machines, electric smelting furnaces and converters are limited to 0.065 percent by volume (650 parts per million) averaged over a two-hour



period. Where a sulfuric acid plant is used to comply with this standard, the opacity of the gases discharged into the atmosphere is limited to 20 percent.

The technical and economic bases for the promulgated standards were presented in "Background Information for New Source Performance Standards: Primary Copper, Zinc and Lead Smelters, Volume 1, Proposed Standards (EPA 450/2-74-002a)." The promulgated emission limit for particulate matter from the affected zinc and lead smelting facilities was based on the application of fabric filter controls or equivalent. The emission limit for sulfur dioxide was based on applying double absorption sulfuric acid plant technology.

Since the promulgation of the standards of performance for primary zinc and lead smelters, only two facilities have been affected. These include the zinc roaster at the New Jersey Miniere Zinc Company smelter at Clarksville, Tennessee, and the new lead sintering machine installed at the ASARCO, Incorporated lead smelter at El Paso, Texas. Both facilities have been tested and found to be in compliance with the standards of performance.

## Findings

### Industry Growth

Growth prospects, as measured by increased production, in both the primary zinc and primary lead smelting industries were evaluated as part of the review of the existing new source performance standards. Information sources consulted included U.S. Bureau of Mines publications, industry trade journals, and business publications. Based on this assessment, it is EPA's conclusion that there will be essentially no growth in the primary zinc industry and only moderate growth in the primary lead industry over the next 5 years. Growth in the primary lead industry should be easily met by a combination of existing primary smelting capacity, increased secondary production, and increased imports.

At the time of promulgation, there were six primary zinc smelters operating in the United States with a combined annual capacity for slab-zinc of about 590,000 metric tons per year. Since the promulgation of the standards, one new "grass-roots" electrolytic plant has been constructed, two plants have closed, and a third has essentially suspended its production of slab-zinc. In addition, plans by ASARCO, Incorporated, and St. Joe Minerals Corporation to build new electrolytic plants were cancelled indefinitely. Excluding the three plants which have closed or severely

suspended operations, but which could conceivably re-open partially or totally under improved market conditions, present U.S. annual capacity is about 300,000 metric tons of slab-zinc per year.

Growth prospects for the U.S. primary zinc industry through the 1980's are projected to be very poor. The industry is suffering from a variety of economic problems, including declining demand in its primary markets; significant competition from imports; and shortages in zinc ore concentrates available for smelting due to a general world-wide surplus of primary zinc smelting capacity relative to mine capacity and demand. Through the 1970's, primary zinc production in the U.S. declined more than 50 percent while consumption of zinc metal declined about 20 percent. Imports of refined zinc, however, rose nearly 80 percent over the same period and now account for 50 to 60 percent of the total U.S. zinc supply. In 1981, domestic primary zinc production was 370,000 metric tons, while primary zinc consumption was 825,000 metric tons.

The decline in U.S. consumption is a result of the economic problems facing the U.S. auto and construction industries, zinc's primary markets, and substitution. Demand for galvanizing, zinc's largest end-use, declined as a result of depressed auto sales and a leveling-off of construction activity. Consumption of zinc die-castings, zinc's second largest end-use, also declined due to slumping auto sales and the substitution of lighter weight materials for zinc die-cast parts in U.S. autos. Since 1975, zinc die-castings in new automobiles have declined from an average of 23 kilograms per car to less than 11 kilograms per car in 1980.

The world-wide surplus in primary smelting capacity, especially in the Western World, has resulted in stiff competition for both zinc ore concentrates and metal sales. A study commissioned by North American, European, and Japanese producers on the outlook for zinc in the 1980's concluded that additional plant closures would be necessary in order to bring current smelting capacity in line with zinc demand and mine capacity, and that the outlook for primary zinc producers looked poor unless some reduction in current smelting capacity takes place. The study estimates that the effective Free World primary smelter production capacity was about 5.8 million metric tons in 1979, while mine production could supply only about 5.6 million metric tons of zinc in zinc ore concentrate. At the same time, zinc metal consumption was estimated at only about 4.75 million metric tons. In addition, the study maintains that the

world economy is becoming less zinc intensive and that consumption growth in the 1980's will likely be well below 2 percent per year.

Based on the economic and structural problems facing the U.S. primary zinc industry, it is unlikely that there will be any growth in U.S. primary zinc smelting capacity over the next 5 years.

At the time of promulgation of the new source performance standard, the U.S. primary lead industry consisted of six operating smelters with a combined annual capacity of about 713,000 metric tons of lead per year. Presently, with the recent closure of the Bunker Hill smelter in Kellogg, Idaho, there are only five domestic primary lead smelters operating with a combined annual capacity of about 597,000 metric tons of lead per year.

U.S. consumption of lead in 1981 was about 1.05 million metric tons, down about 4 percent from that consumed in 1980 and the fifth consecutive year of decline. The recent declines in lead consumption are due primarily to declining sales by the U.S. automotive industry, which resulted in decreased demand for original equipment batteries, and further declines in the use of lead as a gasoline additive. Lead-acid batteries now account for more than 60 percent of the total consumption of refined lead, while gasoline additives account for less than 15 percent. Primary lead production in 1981 was 484,000 metric tons, down 12 percent from that produced in 1980.

In contrast to zinc, where little or no growth in U.S. demand is projected, demand for refined lead is expected to grow moderately at 1 to 1.5 percent per year through the year 2000, with most of the growth attributable to gains in the battery market. Long-term demand will depend on the success of new innovations related to energy, such as electric vehicles and the use of lead-acid storage batteries by utilities for electric-load leveling. At a 1.5 percent growth rate, U.S. demand for refined lead in 1987 would exceed 1.15 million metric tons, or about 100,000 metric tons over that consumed in 1981. Historically, increases in lead demand have been met by a combination of increases in primary production, secondary production, and imports, with primary production maintaining a proportionate share of 40 percent, secondary production 50 percent, and imports 10 percent. However, with the closure of the Bunker Hill smelter, the utilization of primary production capacity will need to exceed 80 percent just to maintain 1981 production levels. Thus, the ability of existing plants in the primary sector of the industry to supply additional lead to



meet the projected increase in domestic demand may be strained. As a result, secondary production and imports may need to provide a larger proportionate share of any increase in lead demand over the next 5 years.

The extent to which secondary production and imports of refined lead could meet this larger share of the projected increase in demand was analyzed. Secondary lead smelting capacity is estimated at over 1 million metric tons per year. Secondary lead production in 1981 was about 553,000 metric tons, which is equivalent to a utilization factor of only 55 percent. Thus, assuming sufficient supplies of scrap lead are available, secondary lead smelters could, by themselves, easily supply the additional 100,000 metric tons of refined lead projected to be needed by 1987. The availability of lead scrap is a function of primary lead production, the life of lead containing goods, and the price of lead. It is estimated that about 725,000 metric tons of lead scrap are generated in the U.S. each year. In addition, substantial quantities of scrap are imported. Although there are no detailed estimates of potential scrap supplies, including new and existing stocks of domestic scrap, it is believed that sufficient supplies would exist to substantially fill the projected increase in demand over the next 5 years if lead prices are sufficiently high.

The extent to which imports can be increased to meet a shortfall in U.S. supply is related to the amount of excess smelting capacity in place world-wide and lead prices, with imports generally rising during years when the U.S. producer price exceeds foreign prices as set by the London Metal Exchange. Excess smelting capacity in place world-wide is conservatively estimated at one-half to three-quarters million metric tons. With this amount of excess smelting capacity in place, it seems probable that lead imports could rise to

meet increased U.S. lead demand. In addition, it is likely that imports will provide a less expensive means of increasing supply than new construction.

#### *Control Technology*

The best systems of emission reduction, considering cost, still remain double absorption sulfuric acid plants for the affected zinc and lead smelting facilities regulated for sulfur dioxide emissions, and fabric filters for the affected facilities regulated for particulate matter emissions. No significant improvements in these or alternative control techniques have been demonstrated since the promulgation of the standards of performance.

#### *Fugitive Emissions*

The existing standards of performance do not include limitations on potential sources of fugitive sulfur dioxide and particulate matter emissions associated with primary zinc and lead smelting facilities. Available data suggests that emissions from a number of these sources may be relatively high.

#### *Weak Streams*

The existing standards of performance do not include limitations on certain relatively weak sulfur dioxide streams at lead smelting facilities. Emissions associated with these streams may be significant.

#### **Conclusions**

Based on the findings of this review of the established standards of performance for primary zinc and primary lead smelters, EPA concludes the following:

1. Because of the projection for no growth in the primary zinc smelting industry and the finding that the moderate growth projected for the primary lead smelting industry should be easily met by a combination of

existing primary and secondary capacity and imports, it is very unlikely that new primary zinc or lead smelting facilities will be constructed or existing facilities expanded over the next 4 years.

2. Because there have been no significant improvements in the control technologies selected as the technical bases for the standards of performance or in alternative technologies, the established standards of performance are still appropriate.

3. The established standards of performance do not apply to potentially significant sources of fugitive emissions and potentially significant weak sulfur dioxide streams at either primary zinc or lead smelters. Because it is very unlikely that new primary zinc or lead smelter facilities will be constructed or existing facilities expanded over the next 4 years, it is also very unlikely that standards of performance covering fugitive emission sources or certain weak sulfur dioxide streams will produce any air quality benefit over this period. If indicators at the time of the next review of the standards of performance support the conclusion that new zinc and/or lead smelting facilities will be constructed or existing facilities modified, EPA will investigate the applicable control technology and the need to regulate these sources.

#### **Proposed Action**

For the reasons stated above, EPA is proposing not to revise the existing standards of performance for primary lead and primary zinc smelters. The Agency solicits comments on the basis for this proposed determination and the decision itself.

Dated: October 1, 1982.

Anne M. Gorsuch,  
Administrator.

[FR Doc. 82-27724 Filed 10-7-82; 8:45 am]

BILLING CODE 6560-50-M



# Notices

Federal Register

Vol. 47, No. 196

Friday, October 8, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

#### Charge for Dishonored Checks

**ACTION:** Notice of Charge for dishonored checks.

**SUMMARY:** The purpose of this notice is to announce that the Commodity Credit Corporation (CCC) is implementing a policy whereby a \$25.00 fee will be charged on checks which are issued to CCC but which are dishonored because of insufficient funds. The implementation of this policy is authorized by the CCC Charter Act.

**DATE:** The charge will be effective as of October 8, 1982.

**FOR FURTHER INFORMATION CONTACT:** Robert Taylor, Claims Specialist, Fiscal Division, ASCS, U.S. Department of Agriculture, P.O. Box 2514, Washington, D.C. 20013 (202) 383-0185.

**SUPPLEMENTARY INFORMATION:** This notice has been reviewed in conformance with Executive Order 12291 and the Secretary's Memorandum 1512-1 and has been classified as "not major." It has been determined that the provisions of this notice will not result in: (1) An annual effect on the economy of \$100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprise to compete with foreign-based enterprise in domestic or export markets.

It been determined that the Regulatory Flexibility Act is not applicable to this notice since CCC is not required by 5 U.S.C. 553 or any other provisions of law to publish a notice of proposed

rulemaking with respect to the subject matter of this notice.

The titles and numbers of the Federal Domestic Assistance Programs that this notice applies to are: Commodity Loans and Purchases, 10.051; Cotton Production Stabilization, 10.052; Feed Grain Production Stabilization, 10.055; Storage Facilities and Equipment Loans, 10.056; Wheat Production Stabilization, 10.058; National Wool Act Payments, 10.059; Rice Production Stabilization, 10.065; Emergency Feed Program, 10.066; and Grain Reserve Program, 10.067, as found in the catalog of Federal Domestic Assistance.

It has been determined that a \$25.00 charge should be imposed in order to defray administrative expenses incurred for handling dishonored checks and to deter persons from issuing checks to CCC which will be dishonored because of insufficient funds.

This action is being taken in accordance with the provisions of section 4(d) of the CCC Charter Act (15 U.S.C. 714b(d) which provides that the Corporation may adopt rules and regulations as may be necessary governing the manner in which its business is conducted.

Since the purpose of this notice is to implement a policy which is related to agency management, it has been determined that no further public rulemaking is required.

#### Notice

Accordingly, it has been determined that a charge of \$25.00 will be assessed with respect to checks which are issued to the Commodity Credit Corporation but which are dishonored because of insufficient funds.

Signed at Washington, D.C. on October 5, 1982.

C. Hoke Leggett,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 82-27763 Filed 10-7-82; 8:45 am]

BILLING CODE 3410-05-M

#### Forest Service

#### Middle Fork Judith and Big Snowies Wilderness Study Area Report Hearing Announcement; Public Hearing

Notice is hereby given that public hearings scheduled for October 5 and 6, 1982 are cancelled and have been rescheduled for December 7, 1982,

beginning at 1:30 p.m. in Meeting Room A, Casco Building, Great Falls, Montana, and December 8, 1982, beginning at 1:30 p.m. in the Yogo Inn, Lewistown, Montana, on a proposal for the future management of the Middle Fork Judith Wilderness Study Area comprised of approximately 97,885 acres, within the Lewis and Clark National Forest in the Counties of Fergus, Golden Valley, and Judith Basin in the State of Montana.

A report containing a map and information about the proposal may be obtained from the Forest Supervisor, Lewis and Clark National Forest, P.O. Box 871, Great Falls, Montana 59403.

Individuals and organizations may express their views by appearing at this hearing or may submit written comments for inclusion in the official record to the Regional Forester, Box 7669, Missoula, Montana 59807. Those persons wishing to present oral testimony at the hearing should notify the Regional Forester at the above address prior to December 1, 1982.

Dated: September 28, 1982.

Tom Coston,

Northern Regional Forester.

[FR Doc. 82-27562 Filed 10-7-82; 8:45 am]

BILLING CODE 3410-11-M

#### Office of the Secretary Intent to Establish the Agribusiness Promotion Council

Notice is hereby given that the Secretary of Agriculture intends to establish the Agribusiness Promotion Council.

The purpose of the Council will be to assist USDA in carrying out the agricultural development aspects of President Reagan's Caribbean Basin Initiative. The objective of the Council will be to increase the level of new U.S. agroindustrial investments in the countries of the Caribbean. This Council will serve an essential function.

Establishment of this Council is in the public interest in connection with the performance of the duties and responsibilities of the Department of Agriculture.

Written comments on the proposed establishment of the Council may be submitted to Joan S. Wallace, Administrator, USDA/OICD, Room 3047



South Building, Washington, D.C. 20250 until October 25, 1982.

John J. Franke, Jr.,  
Deputy Assistant Secretary for  
Administration.

October 5, 1982.

[FR Doc 82-27762 Filed 10-7-82; 8:45 am]

BILLING CODE 3410-43-M

### Renewal of the General Conference Committee of the National Poultry Improvement Plan

**AGENCY:** Animal and Plant Health  
Inspection Service, USDA.

**ACTION:** Notice of intent of reestablish.

**SUMMARY:** Notice is hereby given that the Secretary of Agriculture proposes to reestablish the General conference Committee of the National poultry Improvement plan for a 2-year period. The Secretary has determined that the service of the Committee is in the public interest in connection with the performance of the duties and responsibilities of this Department.

The General Conference Committee is an integral part of the National Poultry Improvement Plan which is administered under the authority of the Department of Agriculture Organic Act of 1944, as amended (7 U.S.C. 429). This Committee, representing cooperating State agencies and poultry industry members, serves an essential function by acting as liaison between the poultry industry and the Department in matters pertaining to poultry health. The Committee was originally established in 1947, based on recommendations of a national conference of representatives of cooperating State agencies. The recommendations of the Committee have aided the Department in keeping the Plan program geared to the needs of the industry, thus contributing substantially to the success of the program. The purpose of the Committee could not be carried out in less than 2 years.

The Chairman of the Committee will be the Assistant Secretary for Marketing and Inspection Services, United States Department of Agriculture, Washington, D.C. 20250. Plans are for the Committee to meet at least annually.

This notice is given in compliance with the Federal Advisory Committee Act (Pub. L. 92-463). Views and comments of interested persons may be submitted to the Administrator, Animal and Plant Health Inspection Service, Room 316-E, United States Department of Agriculture, Washington, D.C. 20250 until October 25, 1982. Such comments will be available for public inspection

during regular business hours (7 CFR 1.27(b)).

Done at Washington, DC, this 4th day of October 1982.

John J. Franke, Jr.,  
Deputy Assistant Secretary For  
Administration.

[FR Doc. 82-27764 Filed 10-7-82; 8:45 am]

BILLING CODE 3410-34-M

### Soil Conservation Service

#### South Hero Marsh Fish and Wildlife Development; RC&D Measure, Vt.

**AGENCY:** Soil Conservation Service,  
USDA..

**ACTION:** Notice of a finding of no  
significant impact.

**SUMMARY:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the South Hero Marsh Fish and Wildlife Development RC&D Measure, Grand Isle County, Vermont.

**FOR FURTHER INFORMATION CONTACT:** John Titchner, State Conservationist, Soil Conservation Service, One Burlington Square, Suite 205, Burlington, Vermont 05401, telephone 802-951-6795.

**SUPPLEMENTARY INFORMATION:** The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, John Titchner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of a fishway under Station Road in South Hero, Vermont. The Fishway will provide access to South Hero Marsh by spawning Northern Pike. The planned works of improvement include the installation of a fishway consisting of 60 feet of 48 inch pipe and two headwalls.

The Notice of a Finding of No Significant Impact (fonsi) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on

file and may be reviewed by contacting John Titchner, State Conservationist.

No administrative action on implementation of the proposal will be taken until 30 days after the date of the publication in the Federal Register.

John Titchner,  
State Conservationist

Dated: September 22, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

[FR Doc. 82-27478 Filed 10-7-82; 8:45 am]

BILLING CODE 3410-16-M

### Upper Salem River Watershed, N.J.; Authorization of Federal Assistance in the Installation of Works of Improvement

**AGENCY:** Soil Conservation Service,  
USDA.

**ACTION:** Notice of authorization of  
Federal assistance in the installation of  
works of improvement.

**FOR FURTHER INFORMATION CONTACT:** Plater T. Campbell, State Conservationist, Soil Conservation Service, 1370 Hamilton Street, Somerset, New Jersey 08873, telephone (201) 246-1205.

**Notice:** Federal assistance in the installation of works of improvement under the authority of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1008) has been authorized for the Upper Salem River Watershed, Salem County, New Jersey.

Dated: September 24, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Public Law 83-566, 16 U.S.C. 1001-1008)

Plater T. Campbell,  
State Conservationist.

[FR Doc. 82-27479 Filed 10-7-82; 8:45 am]

BILLING CODE 3410-16-M

### CIVIL AERONAUTICS BOARD

#### Announcement of Approval of Reporting Requirements and Forms by the Office of Management and Budget Under the Paperwork Reduction Act (44 U.S.C. 35)

On September 8, 1982, the Office of Management and Budget approved the extension of the following reporting requirements:

Reporting requirements contained in Part 212 of the Economic Regulations, "Charter



Trips by Foreign Air Carriers"—extended through March 31, 1985, under OMB No. 3024-0036.

On September 14, 1982, the Office of Management and Budget approved the following new reporting requirement:

"Report of Aircraft Operating Expenses and Related Statistics"—approved through

September 30, 1983, under OMB No. 3024-0058.

On September 21, 1982, the Office of Management and Budget approved the extension of the following reporting form:

Form 41—Report of Financial and Operating Statistics for Certificated Air Carriers (filed

pursuant to Part 241 of the Economic Regulations) extended to November 30, 1982, under OMB No. 3024-0013.

Robin A. Caldwell,  
Chief, Information Management Division,  
Office of Comptroller.

September 27, 1982.

[FR Doc. 82-27803 Filed 10-7-82; 8:45 am]

BILLING CODE 6320-01-M

### Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Permits filed under Subpart Q of the Board's Procedural Regulations; week ended October 1, 1982.

#### Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures, such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings. (See, 14 CFR 302.1701 et. seq.)

Date filed	Docket No.	Description
Sept. 27, 1982	41010	Ozark Air Lines, Inc., Lambert-St. Louis International Airport, St. Louis, Missouri 63145. Application of Ozark Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations applies for amendment of its certificate of public convenience and necessity for Route 107-F so as to authorize it to engage in foreign nonstop scheduled air transportation of persons, property and mail between the terminal point Orlando, Florida, and the terminal point Nassau, Bahamas Islands.
Do	40767	Conforming Applications, motions to modify scope, and Answers may be filed by October 25, 1982. Hapag-Lloyd Fluggesellschaft mbH (Hapag-Lloyd Flug), c/o John M. Kriz, Windels, Marx, Davies & Ives, 51 West 51st Street, New York, New York 10019. Amendment No. 1 to the Application of Hapag-Lloyd Flug pursuant to Section 402 of the act and Subpart Q of the Board's Procedural Regulations requests a foreign air carrier permit to engage in charter foreign air transportation of persons and property, separately or in combination, between points in the United States and the Federal Republic of Germany. Answers may be filed by October 25, 1982.
Sept 29, 1982	40669	Airborne Express, Inc., c/o V. Michael Straus, Suite 401, 1001 Connecticut Avenue, N.W., Washington, D.C. 20036-5544. Amendment Number 1 to the Application of Airborne Express, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, hereby amends its application by reducing the authority requested in its original application. Airborne seeks herein a certificate of public convenience and necessity for scheduled foreign air transportation of Cargo and mail over the routing: Wilmington-Cleveland, OH-Buffalo, NY-Toronto, Ontario with local traffic rights within the United States, between and among the U.S. points on flights in foreign air transportation; and charter foreign air transportation between points in the United States and points in Canada.
Oct 1 1982	41023	Conforming Applications, motions to modify scope, and Answers may be filed by October 27, 1982. American International Airways, Inc., c/o Howard S. Boros, Boros & Garofalo, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036. Application of American International Airways, Inc., pursuant to Section 401 of the act and Subpart Q of the Board's Procedural Regulations requests authority to engage in: "the interstate and overseas air transportation of persons, property and mail between all points in the United States, its territories and possessions." Conforming Applications, motions to modify scope, and Answers may be filed by October 29, 1982.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 82-27801 Filed 10-7-82; 8:45 am]

BILLING CODE 6320-01-M

#### [Docket 40253]

#### Northeast Sunrise Airlines, Inc.; Hearing

Notice is hereby given that a hearing on the above-entitled matter is assigned to reconvene on November 3, 1982, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., October 4, 1982.

John M. Vittone,  
Administrative Law Judge.

[FR Doc. 82-27799 Filed 10-7-82; 8:45 am]

BILLING CODE 6320-01-M

#### [Docket 40462]

#### Sea Coast Airways Fitness Investigation; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 19, 1982, at 2:30 p.m. (local time) in Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., October 5, 1982.

Ronnie A. Yoder,  
Administrative Law Judge.

[FR Doc. 82-27800 Filed 10-7-82; 8:45 am]

BILLING CODE 6320-01-M

#### COMMISSION ON CIVIL RIGHTS

#### Kansas Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Kansas Advisory Committee to the Commission will convene at 10:00a, and will end at 2:00p, on October 29, 1982, at the Constitution Convention Center, 500 Minnesota Avenue, Kansas City, Kansas, 66101. The purpose of this meeting is to report on the National State Advisory Committee Chairpersons' Conference held September 13-14, 1982 in Washington, D.C., and discuss program



plans for Fiscal Year 1983.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Benjamin H. Day, 313 Prospect, Leavenworth, Kansas, 66048, (913) 296-3469 or the Central States Regional Office, Old Federal Office Building, 911 Walnut Street, Room 3103, Kansas City, Missouri, 64106, (816) 374-5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 5, 1982.

John I. Binkey,

*Advisory Committee Management Officer.*

[FR Doc. 82-27700 Filed 10-7-82; 8:45 am]

BILLING CODE 6335-01-M

## DEPARTMENT OF COMMERCE

### Bureau of the Census

#### Census Advisory Committee of the American Marketing Association; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, as amended by Pub. L. 94-409), notice is hereby given that the Census Advisory Committee of the American Marketing Association will convene on October 28, 1982, at 9:15 a.m. in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Marketing Association was established in 1946 to advise the Director, Bureau of the Census, regarding the statistics that will help in marketing the Nation's products and services and on ways to make the statistics the most useful to users.

The Committee is composed of 15 members appointed by the President of the American Marketing Association.

The agenda for the meeting, which is scheduled to adjourn at 4 p.m., is: (1) Introductory remarks by the Director, Bureau of the Census, including staff changes and major budget and program developments; (2) election of chairperson-elect; (3) update on planning for the 1990 census; (4) automated geographic support for the 1990 census; (5) public affairs for the eighties; (6) industrial data for economic analysis; (7) concurrent seasonal adjustment; (8) general discussion and Committee recommendations; and (9) plans and date for the next meeting.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. Bobby Russell, Bureau of the Census, Room 2633, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-7644.

Dated: October 4, 1982.

Bruce Chapman,

*Director, Bureau of the Census.*

[FR Doc. 82-27745 Filed 10-7-82; 8:45 am]

BILLING CODE 3510-07-M

### Foreign-Trade Zones Board

[Order No. 201]

#### Resolution and Order Approving the Application of the Little Rock Port Authority for a Special-Purpose Subzone in Forrest City, Arkansas, Adjacent to the Memphis Customs Port of Entry; Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

##### Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Little Rock Port Authority submitted on behalf of the State of Arkansas, grantee of Foreign-Trade Zone 14, filed with the Foreign-Trade Zones Board (the Board) on September 10, 1981, requesting authority for a special-purpose subzone at the television and microwave oven manufacturing facility of Sanyo Manufacturing Corporation (SMC) in Forrest City, Arkansas, adjacent to the Memphis Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations would be satisfied and that the proposal would be in the public interest if a restriction is adopted requiring that full Customs duties be paid on foreign television picture tubes used at the facility, approves the application subject to the condition that SMC be required to elect privileged foreign status (19 CFR 146.21) on all such picture tubes used at the facility that are sourced abroad.

The grantee shall notify the Board's Executive Secretary for approval concerning any manufacturing operation proposed to be conducted under subzone procedures at the facility, which operation was not reviewed as part of the application resulting in this action. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a Grant of Authority and appropriate Board Order.

#### Grant of Authority To Establish a Foreign-Trade Subzone in Forrest City, Arkansas, Adjacent to the Memphis Customs Port of Entry

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States.

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Little Rock Port Authority, on behalf of the State of Arkansas, grantee of Foreign-Trade Zone 14, Little Rock, has made application (filed September 10, 1981) in due and proper form to the Board for authority to establish a special-purposes subzone at the television and microwave oven manufacturing facilities of Sanyo Manufacturing Corporation in Forrest City, Arkansas, adjacent to the Memphis Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard;

Whereas, the Board, pursuant to its authority to restrict or prohibit operations detrimental to the public interest (19 U.S.C. 81o), considered the possible impact of the proposed subzone on competing domestic industries; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations would be satisfied and that the proposal would be in the public interest if a restriction is adopted



requiring that full Customs duties be paid on foreign television picture tubes used at the facility;

Now, therefore, in accordance with the application filed September 10, 1981, the Board hereby authorizes the establishment of a subzone at the manufacturing facilities of Sanyo Manufacturing Corporation in Forrest City, Arkansas, designated on the records of the Board as Foreign-Trade Subzone 14A at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of subzone procedures at the facility shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal, State, and municipal authorities.

Any foreign picture tubes used at the facility shall be dutiable at the full rate applicable to such tubes (foreign privileged status), unless the finished product is exported.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C. this 30th day of September 1982 pursuant to Order of the Board.

Foreign-Trade Zones Board.  
Malcolm Baldrige,  
Chairman and Executive Officer.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 82-27746 Filed 10-7-82; 8:45 am]

BILLING CODE 3510-25-M

## International Trade Administration

### Anhydrous Sodium Metasilicate From France; Final Results of Administrative Review of Antidumping Duty Order

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Final Results of Administrative Review of Antidumping Duty Order.

**SUMMARY:** On July 16, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on anhydrous sodium metasilicate from France. The review covered the only known exporter of this merchandise to the United States and the period June 1, 1981 through December 31, 1981. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. We received no comments.

**EFFECTIVE DATE:** October 8, 1982.

**FOR FURTHER INFORMATION CONTACT:** Valerie Newkirk or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3601).

#### SUPPLEMENTARY INFORMATION:

##### Background

On January 7, 1981, the Department of Commerce ("the Department") published in the *Federal Register* (46 FR 1667-8) a dumping order with respect to anhydrous sodium metasilicate ("ASM") from France. On July 16, 1982, the Department published in the *Federal Register* (47 FR 31030-31) the preliminary results of its second administrative review of the order. The Department has now completed that review.

##### Scope of the Review

Imports covered by the review are shipments of ASM, a crystalline silicate ( $\text{Na}_2\text{SiO}_3$ ) which is alkaline and readily soluble in water. Applications include waste paper de-inking, ore flotation, bleach stabilization, clay processing, medium or heavy duty cleaning, and compounding into other detergent

formulations. ASM is currently classifiable under item 421.3400 of the Tariff Schedules of the United States Annotated (TSUSA).

The review covers the only known exporter of French ASM to the U.S., Rhone-Poulenc, S.A., and the period June 1, 1981 through December 31, 1981.

#### Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no written comments or requests for disclosure or a hearing. Therefore, the final results of our review are the same as those presented in the preliminary results of review. There were no known shipments to the United States during the period and there are no known unliquidated entries.

As provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the most recent margin calculated for the firm, 60 percent, shall be required on all shipments of French ASM entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of January 1984. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick

Deputy Assistant Secretary for Import Administration.

October 1, 1982.

[FR Doc. 82-27739 Filed 10-7-82; 8:45 am]

BILLING CODE 3510-25-M

### Certain Steel Pipes and Tubes From Japan; Extension of Period for Final Determination

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Extension of Period for Final Determination.

**SUMMARY:** The Department of Commerce hereby extends the period for



determination with respect to its antidumping investigation of certain steel pipes and tubes from Japan. The final determination will be made no later than December 31, 1982.

**EFFECTIVE DATE:** October 8, 1982.

**FOR FURTHER INFORMATION CONTACT:** Stuart Keitz, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230, (202) 377-1769.

**SUPPLEMENTARY INFORMATION:** On August 18, 1982, the Department of Commerce ("the Department") determined preliminarily that certain steel pipes and tubes from Japan were being, or were likely to be, sold at less than fair value within the meaning of section 731, Tariff Act of 1930, as amended (19 U.S.C. 1673) ("the Act"). On September 1, 1982, counsel for one of the respondents, who accounts for a significant proportion of exports of the merchandise which is the subject of the investigation, requested that the Department extend the period for determination until 135 days after the date of the Preliminary Determination in accordance with section 735(a)(2) of the Act.

We have determined that the additional time is needed in order that a proper analysis may be completed with regard to this investigation. Accordingly, the period for determination in this case is hereby extended. A final determination will be made not later than December 31, 1982.

Gary N. Horlick,  
Deputy Assistant Secretary for Import Administration.

October 1, 1982.  
[FR Doc. 82-27743 Filed 10-7-82; 8:45 am]  
BILLING CODE 3510-25-M

Docket No. 2929-193]

#### Availability of Guidelines for Granting of Export Licenses; LANDSAT-D Ground Station Facilities and Technology to the People's Republic of China

By the terms of an agreement between the U.S. Government and the People's Republic of China that was signed on January 31, 1979, the PRC will purchase from U.S. industries "under suitable conditions" a ground station capable of receiving and processing data from the LANDSAT-D earth resources satellite, now in orbit.

The Department of Commerce is now prepared to issue export licenses to interested vendors for export to the PRC of equipment related to LANDSAT ground stations, pursuant to technical

and procedural guidelines that will be made available upon request.

These guidelines include a description of the essential characteristics of the equipment, data, and training needed to provide suitable reception of broadcast data. Various Government departments, including Commerce, State, Defense, and NASA, agreed on the guidelines after considerable technical review. They are intended to permit U.S. industries to formulate proposals for the sale of such equipment to the Chinese Academy of Sciences.

The guidelines do not supplant the usual export licenses, nor do they in any way modify vendors' responsibilities regarding the export licensing requirements of the Departments of Commerce and State.

Approval of an export to the PRC under these guidelines will not constitute a precedent for approval for export to Country Groups Q, W, Y, or Z.

The guidelines reflect a more liberal U.S. export policy toward China adopted by the Reagan Administration.

**FOR FURTHER INFORMATION CONTACT:** Albert P. Solga, Acting Director, Scientific and Electronic Equipment Division, Office of Export Administration, Room 2087, U.S. Department of Commerce 20230 (Telephone: (202) 377-4516).

Dated: October 6, 1982.  
Vincent F. DeCain,  
Deputy to the Deputy Assistant Secretary for Export Administration.

[FR Doc. 82-27872 Filed 10-6-82; 12:45 pm]  
BILLING CODE 3510-25-M

#### Clear Sheet Glass From Italy; Final Results of Administrative Review of Antidumping Finding

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Final Results of Administrative Review of Antidumping Finding.

**SUMMARY:** On June 30, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on clear sheet glass from Italy. The review covered the five known exporters of this merchandise to the United States and the period December 1, 1980 through November 30, 1981. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. We received no comments.

**EFFECTIVE DATE:** October 8, 1982.

**FOR FURTHER INFORMATION CONTACT:** Brian Kelly or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2923).

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 9, 1971, the Treasury Department published in the *Federal Register* an antidumping finding with respect to clear sheet glass from Italy (T.D. 71-294, 36 FR 23360). On June 30, 1982, the Department of Commerce ("the Department") published in the *Federal Register* (47 FR 28444) the preliminary results of its second administrative review of the finding. The Department has now completed that administrative review.

##### Scope of the Review

Imports covered by the review are shipments of clear sheet glass from Italy, currently classifiable under item numbers 542.3120 through 542.4835 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of five exporters of Italian clear sheet glass to the United States. This review covers the period December 1, 1980 through November 30, 1981, for all five firms. There were no shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

##### Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no written comments or requests for disclosure or a hearing. Therefore, the final results of our review are the same as those presented in the preliminary results of review, and we determine that, for the period of December 1, 1980 through November 30, 1981, the following margins exist:

Exporter	Margin (Percent)
Societa Italiana Vetro	19.62
Vernante Pennitalia	44.56
Vetrola Italiana Balzaretto-Modigliani	37.40
Vetrola Milanese Lucchini	43.90
Vetrola	59.80

<sup>1</sup> No shipments during the period.

As provided for by § 353.48(b) of the Commerce regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required on all shipments of Italian clear sheet glass from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this



notice. For any shipment from a new exporter not covered in this administrative review, unrelated to any covered firm, a cash deposit shall be required at the highest rate for responding firms with shipments during the most recent period in which shipments occurred. These deposit requirements shall remain in effect until publication of the final results of our next administrative review. The Department intends to conduct the next administrative review by the end of December 1983. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

October 4, 1982.

[FR Doc. 82-27742 Filed 10-7-82; 8:45 am]

BILLING CODE 3510-25-M

### Kraft Condenser Paper From Finland; Preliminary Results of Administrative Review of Antidumping Finding

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Preliminary Results of Administrative Review of Antidumping Finding.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the antidumping finding on kraft condenser paper from Finland. The review covers the only known exporter of this merchandise to the United States, Tervakoski Osakeyhtio, and the period September 1, 1980 through August 31, 1981. The review indicates the existence of a *de minimis* dumping margin for the period.

As a result of this review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value on each of the sales to unrelated purchasers during the period of review.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** October 8, 1982.

**FOR FURTHER INFORMATION CONTACT:** F. Patrick Pope or David R. Chapman, Office of Compliance, International

Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2923).

### SUPPLEMENTARY INFORMATION:

#### Background

On January 27, 1982, the Department of Commerce ("the Department") published in the *Federal Register* (47 FR 3813-4) the final results of its last administrative review of the antidumping finding on kraft condenser paper from Finland (44 FR 54696-7, September 21, 1979) and announced its intent to conduct the next administrative review by the end of September 1982. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

#### Scope of the Review

Imports covered by the review are shipments of kraft condenser paper, meaning capacitor tissue or condenser paper containing 80 percent or more by weight chemical sulphate or soda wood pulp, based on total fiber content. Kraft condenser paper is currently classifiable under items 252.4000, 252.4200, and 256.3080 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of one exporter of Finnish kraft condenser paper to the United States, Tervakoski Osakeyhtio. The review covers sales to unrelated parties during the period September 1, 1980 through August 31, 1981.

#### United States Price

In calculating United States price the Department used exporter's sales price, as defined in section 772 of the Tariff Act. Exporter's sales price was based on the packed price to unrelated purchasers in the United States. Where applicable, deductions were made for ocean freight, insurance, U.S. and foreign inland freight, U.S. duty, brokerage charges, selling expenses and the cost of slitting the merchandise in the United States including the cost of "broke" (wastage due to slitting), in accordance with §§ 353.10(e)(2) and 353.10(e)(3) of the Commerce regulations. No other adjustments were claimed or allowed.

#### Foreign Market Value

In calculating foreign market value the Department used the price to purchasers in a third country (Brazil), as defined in section 773 of the Tariff Act, because sufficient sales of such or similar merchandise did not exist in the home market to be used as a basis for comparison. Where applicable, the foreign market values were adjusted for credit expenses and commissions to unrelated parties in accordance with

§ 353.15 of the Commerce regulations, differences in the merchandise through slitting in accordance with § 353.16 of the Commerce regulations, and for inland freight and differences in packing. No other adjustments were claimed or allowed.

#### Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value we preliminarily determine that a weighted-average dumping margin of 0.0001 percent exists on sales by Tervakoski Osakeyhtio during the period September 1, 1980 through August 31, 1981.

Interested parties may submit written comments to these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue assessment instructions directly to the Customs Service.

Since the margin for Tervakoski Osakeyhtio is less than 0.5 percent and, therefore, *de minimis*, the Department shall waive requirement of a cash deposit of estimated antidumping duties, as provided for in § 353.48(b) of the Commerce Regulations, on all shipments of Finnish kraft condenser paper entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This deposit waiver shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

October 5, 1982.

[FR Doc. 82-27737 Filed 10-7-82; 8:45 am]

BILLING CODE 3510-25-M



# Melamine in Crystal Form From Japan; Final Results of Administrative Review of Antidumping Finding

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Final Results of Administrative Review of Antidumping Finding.

**SUMMARY:** On July 16, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on melamine in crystal form from Japan. The review covered the five known exporters of this merchandise to the United States and the period February 1, 1981 through January 31, 1982. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. We received no comments.

**EFFECTIVE DATE:** October 8, 1982.

**FOR FURTHER INFORMATION CONTACT:** Joseph A. Fargo or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5255).

## SUPPLEMENTARY INFORMATION: Background

On February 2, 1977, a dumping finding with respect to melamine in crystal form from Japan was published in the Federal Register as Treasury Decision 77-54 (42 FR 6866). On July 16, 1982, the Department of Commerce ("the Department") published in the Federal Register (47 FR 31034-35) the preliminary results of its administrative review of the finding. The Department has now completed that administration review.

## Scope of the Review

Imports covered by the review are shipments of melamine in crystal form, a fine white crystalline powder used to manufacture melamine formaldehyde resins. Melamine in crystal form is currently classifiable under item 425.1020 of the Tariff Schedules of the United States Annotated (TSUSA).

The review covers the five known exporters of Japanese melamine in crystal form to the United States, C. Itoh & Co., Ltd., Mitsui Toatsu Chemicals, Inc., Nichimen Co., Ltd., Nissan Chemical Industries, Ltd., and Nosawa & Co., Ltd. and the period February 1, 1981 through January 31, 1982. There were no known shipments of this merchandise to the

United States during the period and there are no known unliquidated entries.

## Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no written comments or requests for disclosure or a hearing. Therefore, the final results of the review are the same as those presented in the preliminary results of review, and we determine that, for the period February 1, 1981 through January 31, 1982, the following weighted-average margins exist:

Firm	Margin (percent)
C. Itoh & Co., Ltd.	60.00
Mitsui Toatsu Chemicals, Inc.	70.22
Nichimen Co., Ltd.	60.00
Nissan Chemical Industries, Ltd.	60.00
Nosawa & Co., Ltd.	60.00

<sup>1</sup> No shipments during the period.

As provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required on all shipments of Japanese melamine in crystal form from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. For any shipment from a new exporter not covered in this administrative review, unrelated to any covered firm, a cash deposit shall be required at the highest rate for responding firms with shipments during the most recent period in which shipments occurred. These deposit requirements shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of February 1984. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.33 of the Commerce Regulations (19 CFR 353.33).

October 1, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-27740 Filed 10-7-82; 8:45 am]

BILLING CODE 3510-25-M

# Roller Chain, Other Than Bicycle, From Japan; Preliminary Results of Administrative Review of Antidumping Finding and Tentative Determination to Revoke in Part

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Preliminary Results of Administrative Review of Antidumping Finding and Tentative Determination to Revoke in Part.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the antidumping finding on roller chain, other than bicycle, from Japan. The review covers 9 manufacturers and 108 other exporters of this merchandise to the United States and generally the period April 1, 1980 through March 31, 1981. The review indicates the existence of dumping margins in particular periods for certain manufacturers and exporters.

As a result of the review, the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between United States price and foreign market value on each of their shipments during the periods of review. The Department also has tentatively determined to revoke the finding with respect to such chain manufactured and exported by Sugiyama Chain Co., Ltd., such chain manufactured by Sugiyama Chain Co., Ltd. and imported by HKK Chain Corporation of America, and all roller chain exported by Honda Motor Co., Ltd. These firms either made all sales to the United States at not less than fair value or had *de minimis* margins for two years.

Four Japanese firms failed to respond to our questionnaires and four responses were incomplete. Where company-supplied information was inadequate or no information was received, the Department has used the best information available. Fifty-nine firms did not export to the U.S. during their review periods. The cash deposit rates for these firms will be based on the most recent information for the individual firms. Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** October 8, 1982.

**FOR FURTHER INFORMATION CONTACT:** William L. Matthews or Alfredo R. Montemayor, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3601).



#### SUPPLEMENTARY INFORMATION: Background

On September 4, 1981, the Department of Commerce ("the Department") published in the *Federal Register* (46 FR 44488) the final results of its first administrative review of the antidumping finding on roller chain, other than bicycle, from Japan (38 FR 9226, April 12, 1973) and announced its intent to conduct the next administrative review by the end of April 1982. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

The substantive provisions of the Antidumping Act of 1921 ("the 1921 Act") and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

#### Scope of the Review

Imports covered by the review are shipments of roller chain, other than bicycle, from Japan. The term "roller chain, other than bicycle" as used in this review includes chain, with or without attachments, whether or not plated or coated, and whether or not manufactured to American or British standards, which is used for power transmission and/or conveyance. Such chain consists of a series of alternately assembled roller links and pin links in which the pins articulate inside the bushings and the rollers are free to turn on the bushings. Pins and bushings are press fit in their respective link plates. Chain may be single strand having one row of roller links or multiple strand having more than one row of roller links. The center plates are located between the strands of roller links. Such chain may be either single or double pitch and may be used as power transmission or conveyor chain.

This review also covers leaf chain which consists of a series of link plates alternately assembled with pins in such a way that the joint is free to articulate between adjoining pitches. This review further covers chain models #25 and #35. Roller chain, other than bicycle, is currently classifiable under various provisions of the Tariff Schedules of the United States Annotated (TSUSA), ranging from item numbers 652.1300 through 652.3800.

One Japanese manufacturer, Tsubakimoto Chain Co. ("Tsubakimoto"), requested a determination whether certain of its items are within the scope of the finding. Tsubakimoto defined the items to be:

"1. Bushed (rollerless) chain. Alternately assembled links containing pin links and bushed links in which the

pins articulate inside the bushings and contain no further parts and rollers \* \* \*"

"2. Pinless chain. A series of alternately assembled roller links held together by side plates attached to bushings and which contain no pin on which a bushing articulates and no pin links \* \* \*"

"3. Offset side bar chain. A series of consecutively assembled identical links which contains neither a roller link nor a pin link and in which each link has side plates that are offset to accommodate the following links \* \* \*"

"4. Hinged (flattop) chain. Chain consisting of consecutively assembled identical flat plates connected by a pin having no roller, no roller link, and no pin link \* \* \*"

The Department has preliminarily determined that chains that meet the above descriptions do not meet the definition of roller chain, other than bicycle, as clarified in our notice of final results published on September 4, 1981. Since chains meeting the above descriptions do not meet that definition they are not within the scope of the finding. We invite comment on this preliminary decision.

The review covers 117 of the 119 known Japanese firms engaged in the manufacture and/or exportation of roller chain, other than bicycle, to the United States. We are deferring review of two firms, Tsubakimoto Chain Co. and Nissan Motor Co.

For the majority of the firms covered, the review is for the period April 1, 1980 through March 31, 1981. For firms with different accounting periods we reviewed data from their most recent accounting cycles. For 13 firms we have also included review periods deferred in the last review. The applicable periods are indicated for each firm under the *Preliminary Results of the Review*.

Fifty-nine exporters did not export roller chain, other than bicycle, to the U.S. during the period April 1, 1980 through March 31, 1981. The estimated duty deposit rates for these firms shall be based on the most recent information for each firm. Four exporters did not respond to our questionnaire and the responses for four other firms were incomplete. For these firms we used the best information available to determine the assessment and estimated duty deposit rates. The best information available for the non-responsive firms is the highest current rate among all responding firms with shipments, that is, 78.15 percent. For the firms with incomplete responses, we used the best information available for the missing information. Two additional Japanese firms, Ajia Kikei Boeki and Hodaka

Kogyosho, covered by the prior section 751 review, are no longer in business due to bankruptcy. Two other firms, Karl Mayer Textile and Yoshimura Competition, also covered by the last review, are no longer involved in the manufacture or marketing of roller chain, other than bicycle. The Department preliminarily has decided not to include these firms in this or future section 751 reviews until they again produce or ship roller chain, other than bicycle, to the U.S. Finally, the Department has preliminarily decided not to cover IBM and TDK in this review. Our preliminary review of these two firms indicates that merchandise exported by them is not subject to the finding. The chains exported by these firms were used solely in the original manufacture of IBM copiers and in the materials handling system of the manufacturing process of TDK video cassette tape. The cost of all chains used in less than 0.2% of the sales value of either machine.

Five Japanese firms, Oriental Chain Manufacturing Co., Suzuki Motor Co., Sugiyama Chain Co. Ltd., Hokoku Chain Sales Co., and Honda Motor Co. requested revocation. The Department tentatively revokes the finding with regard to all roller chain exports by Honda and to those shipments of chain manufactured by Sugiyama and either exported directly to the U.S. by Sugiyama, or imported by HKK Chain Corporation of America, the U.S. subsidiary of Hokoku. These firms made all sales to the United States at not less than fair value or had *de minimis* margins for at least a two-year period. The other two firms, Oriental Chain Manufacturing Co. and Suzuki Motor Co., did not meet the criteria set forth in § 353.54 of the Commerce regulations requiring at least a two-year period of sales at not less than fair value. The Department therefore will not consider revocation for these two firms at this time.

#### United States Price

In calculating United States price, the Department used purchase price or exporter's sales price ("ESP"), as defined in section 772 of the Tariff Act or sections 203 or 204 of the 1921 Act, as appropriate. Purchase price was based either on the packed price to an unrelated purchaser in the United States or to an unrelated Japanese trading company for export to the United States. Exporter's sales price was based on the packed price from an exporter's U.S. affiliate to the first unrelated purchaser in the United States. Where applicable, deductions were made for ocean freight,



insurance, freight forwarders' fees, U.S. and foreign inland freight, loading charges, discounts, commissions to unrelated parties, and selling expenses, in accordance with § 353.10 of the Commerce regulations. No other adjustments were claimed or allowed.

### Foreign Market Value

In calculating foreign market value the Department used home market price, the price to unrelated purchasers in third countries when there were no sales or insufficient sales in the home market, or the constructed value of such or similar merchandise when there were no sales or insufficient sales in the home market or to third countries, all as defined in section 773 of the Tariff Act or sections 205 or 206 of the 1921 Act. The home market prices or third country sales prices were based on the packed prices to unrelated parties. Adjustments were made, where applicable, for discounts, differences in packing, inland freight, direct selling expenses, credit costs, warranties, technical assistance, and indirect selling expenses to offset U.S. commissions paid to unrelated parties, or to offset U.S. selling expenses for ESP calculations, in accordance with § 353.15 of the Commerce regulations and § 153.10 of the Customs regulations. Further adjustments were made for differences in merchandise, in accordance with § 353.16 of the Commerce regulations and § 153.11 of the Customs regulations. Claims for ESP offsets and level of trade adjustments were disallowed when they were not properly quantified. No other adjustments were claimed or allowed.

Where sales in the home market or to purchasers in third countries were made over an extended period of time in substantial quantities, and at prices which did not permit recovery of all costs within a reasonable period of time, the Department excluded those sales from the analysis. When the remaining sales in the home market or to purchasers in third countries were insufficient, the Department used constructed value, as defined in section 773 of the Tariff Act or section 206 of the 1921 Act, as appropriate.

### Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value we preliminarily determine that the following margins exist:

Mfr. exporter	Time period	Margin (percent)
A&K Company	Apr. 1, 1980 to Mar. 31, 1981	1.84
APC Corporation	do	4.04

Mfr. exporter	Time period	Margin (percent)	Mfr. exporter	Time period	Margin (percent)
Aisa Machinery	do	78.15	Miyasaki Shokai	Jan. 1, 1980 to Dec. 31, 1980	0
Auto Dynamics	do	15.36	do	Apr. 1, 1980 to Mar. 31, 1981	15.36
C. Itoh	do	0.80	Morita	do	10
Central Automotive	do	4.69	Motorix	do	10
Cherry Industries	do	20.00	Naniwa Kogyo	Apr. 1, 1979 to Mar. 31, 1980	62.06
Chicago Products	do	15.36	do	Apr. 1, 1980 to Mar. 31, 1981	0.90
Chizaki Int. Corp.	Apr. 1, 1978 to Mar. 31, 1981	0.12	Nankai Buhin	do	15.36
Daido Enterprising	Apr. 1, 1980 to Mar. 31, 1981	78.15	Nickel & Lyons	do	15.36
Daido Kogyo	Oct. 1, 1978 to Sept. 30, 1981	0	Nippo Buhin	do	15.36
Autobacs Seven (daido Sangyo)	Apr. 1, 1980 to Mar. 31, 1981	15.36	Nissei Co., Ltd.	do	12.80
Deer Island	Apr. 1, 1979 to Mar. 31, 1980	62.06	Nissho-Iwai	Nov. 1, 1979 to Oct. 31, 1980	0
do	Apr. 1, 1980 to Mar. 31, 1981	78.15	Normura Shoji	Apr. 1, 1980 to Mar. 31, 1981	15.36
detroit Industries	do	15.36	Orai Trading	Apr. 1, 1978 to Mar. 31, 1981	29.69
Eidai Sangyo	do	0.53	Oriental Chain	Jan. 1, 1980 to Dec. 31, 1980	2.70
Empire Motor	do	15.36	Osaka Buhin	Apr. 1, 1980 to Mar. 31, 1981	4.50
Enuma Chain	Oct. 1, 1978 to Sept. 30, 1980	0	Pulton Chain	Apr. 1, 1980 to Mar. 30, 1981	0
Fee International	Apr. 1, 1980 to Mar. 31, 1981	1.84	Pulton/Hic Trading	do	5.00
Fuji Lumber	do	10	Pulton/I & OC	do	1.10
Fuji Heavy Industries	do	10	Refac International	do	15.36
Fukoku	do	15.36	Ricoh	do	0
Fusco Trading	do	10	Rocky Asia	do	0
Fuji Motors (Zenoah)	do	15.36	Royal Industries	do	78.15
Fuji Seiko	Apr. 1, 1979 to Mar. 31, 1981	62.06	Ryobi Limited	do	0
Hajime	Apr. 1, 1980 to Mar. 31, 1981	15.36	Sanko Trading	do	5.41
Harima Enterprise	do	10	Schneider Engineering	do	2.00
Henry Abe	do	15.36	Sea Commercial	do	10
Hic Trading	Apr. 1, 1980 to Mar. 31, 1981	5.00	Shima Trading	Apr. 1, 1980 to Sept. 30, 1980	0
Hiro Enterprise	do	10	Shinyei Kaisha	Apr. 1, 1980 to Mar. 31, 1981	15.36
Hitachi Metals/Hitachi International (Importer)-Maxco (Importer)	Apr. 1, 1980 to Mar. 31, 1981	1.14	Shinyo Ind. Co.	Apr. 1, 1979 to Mar. 31, 1980	62.06
Hitachi Metals/All other importers	do	1.84	do	Apr. 1, 1980 to Mar. 31, 1981	62.06
HKS Japan	do	20.00	Sugiyama/Fuji Lumber	do	10
Honda Motor	Oct. 1, 1979 to Sept. 30, 1980	0.48	Sugiyama/Harima Ent.	do	10
I & OC	Apr. 1, 1980 to Mar. 31, 1981	1.10	Sugiyama/Hokoku Chain Sales Company/HKK of America (Importer)	do	0.03
Iketoku	do	15.36	Sugiyama/I & OC	do	1.10
Izumi Chain	do	0	Sugiyama/All other importers	do	0
JEICO	do	0	Sumitomo Shoji Kaisha (Sumitomo Corporation)	do	0.80
Kaga Kogyo (Kaga Ind.)	do	4.04	Sun International	do	10
Kaga Kogyo/APC	do	4.04	Suzuki Motor	Sept. 1, 1979 to Aug. 31, 1980	0
Kaga Koken/TK Products	do	7.08	Tabard	Apr. 1, 1979 to Mar. 31, 1980	62.06
Kashima Trading	Apr. 1, 1979 to Mar. 31, 1980	62.06	do	Apr. 1, 1980 to Mar. 31, 1981	62.06
Katayama	Apr. 1, 1979 to Mar. 31, 1980	62.06	Taiyo Sangyo	Apr. 1, 1980 to Mar. 31, 1981	0
do	Apr. 1, 1980 to Apr. 7, 1981	7.00	Taiyo Shokai	Apr. 1, 1979 to Mar. 31, 1980	62.06
Kawasaki	Sept. 1, 1978 to Aug. 31, 1979	1.00	do	Apr. 1, 1980 to Mar. 31, 1981	0
do	Sept. 1, 1979 to Aug. 31, 1980	0.35	Takara Auto Parts	do	29.52
Kohkoku Sangyo Co.	Apr. 1, 1978 to Mar. 31, 1981	5.26	Takasago	do	5.36
Kokusai Tsusho	Apr. 1, 1980 to Mar. 31, 1981	15.36	Tanaka Kogyo	do	15.36
Marubeni	do	10	Tashiro	do	15.36
Maruka Machinery	do	15.36	Tatsumiya Kogyo	do	15.92
MC International	do	15.36	TEC Engineering	do	5.36
Meiho Yoko	Apr. 1, 1979 to Mar. 31, 1980	62.06	Teijin Shoji Kaisha	do	15.36
Meisei Trading	Oct. 1, 1979 to Sept. 30, 1980	0	TK Products	do	7.08
Meiwa Trading	Apr. 1, 1980 to Mar. 31, 1981	13.00	Tokyo enterprise	do	15.36
Mizuno Seisakusho	Apr. 1, 1980 to Mar. 31, 1981	0	Tokyo Incentive	do	15.36
Mitsui	Apr. 1, 1980 to Mar. 31, 1981	13.40	Tosho Co.	do	15.36
Mitsubishi Corporation (Mitsubishi Int. Corp.)	do	0	Toyo Kogyo (Mazda)	do	0.80
Mitsubishi Boeki	Apr. 1, 1980 to Mar. 31, 1981	134.80	Toyo Menka Kaisha	do	15.36
Mitsubishi Motors	Apr. 1, 1978 to Dec. 31, 1978	26.70	Toyota Motor Sales	Apr. 1, 1979 to Mar. 31, 1980	62.06
do	Jan. 1, 1979 to Dec. 31, 1979	8.00	do	Apr. 1, 1980 to Mar. 31, 1981	78.15
Unico	do	10	Tsujimoto Shokai	Apr. 1, 1980 to Mar. 31, 1981	15.36
United Trading	do	15.36	do	do	10
Universal Ind. Co.	do	15.36	Y-K Brothers Shokai	do	15.36



Mfr. exporter	Time period	Margin (percent)
Yamaha Motor.....	Apr. 1, 1979 to Mar. 31, 1979.	10.15
	June 1, 1979 to Mar. 31, 1980.	0
Yamakyu Chain.....	Apr. 1, 1980 to Mar. 31, 1980.	10
Yoshida Auto Parts.....	Apr. 1, 1979 to Mar. 31, 1980.	62.06
	Apr. 1, 1980 to Mar. 31, 1981.	62.06
Zushi Industries.....	do	15.36

<sup>1</sup>No shipments during period.

### Tentative Determination

As a result of our review we tentatively determine to revoke the antidumping finding on roller chain from Japan with regard to such chain manufactured and exported by Sugiyama Chain Co., Ltd., such chain manufactured by Sugiyama Chain Co., Ltd. and imported by HKK Chain Corporation of America, and all roller chain exported by Honda Motor Co., Ltd. Such revocation, if made final, would apply to all unliquidated entries of the merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held within 30 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates or export dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue assessment instructions on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce regulations, a cash deposit of estimated antidumping duties based upon the most recent of the margins calculated above shall be required on all shipments of roller chain, other than bicycle, entered, or withdrawn from warehouse, for consumption on or after the date of

publication of the final results. Because the weighted-average margins for Honda, Sugiyama/HKK Chain Corporation of America (Importer), Kawasaki, and Chizaki Int. Corp. are less than 0.50 percent and therefore *de minimis*, the Department shall not require cash deposits on their shipments. These deposit requirements, and the waiver for Honda, Sugiyama/HKK Chain Corporation of America, Kawasaki, and Chizaki Int. Corp., shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675 (a)(1), (c)) and §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53, 353.54).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

October 4, 1982.

[FR Doc. 82-27735 Filed 10-7-82; 8:45 am]

BILLING CODE 3510-25-M

### Spun Acrylic Yarn From Japan; Final Results of Administrative Review of Antidumping Duty Order

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of final results of administrative review of antidumping duty order.

**SUMMARY:** On August 3, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on spun acrylic yarn from Japan. The review covers the thirteen known manufacturers/exporters of this merchandise to the United States and the period April 1, 1981 through March 31, 1982.

Interested parties were given an opportunity to submit written comments or request a hearing. We received a comment from one manufacturer. After our analysis of that comment, our results of review remain unchanged.

**EFFECTIVE DATE:** October 8, 1982.

**FOR FURTHER INFORMATION CONTACT:** Larry T. Hampel or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2923).

### SUPPLEMENTARY INFORMATION:

#### Background

On April 9, 1980, the Department of Commerce ("the Department") published in the Federal Register (45 FR

24127) an antidumping duty order with respect to spun acrylic yarn from Japan. On August 3, 1982, the Department published in the Federal Register (47 FR 33526-7) the preliminary results of its administrative review of the order. The Department has now completed that administrative review.

### Scope of the Review

Imports covered by the review are shipments of spun acrylic plied yarn primarily for machine-knitting, currently classifiable under items 310.5015 and 310.5049 of the Tariff Schedules of the United States Annotated (TSUSA). The review covers the thirteen known firms engaged in the manufacture and/or exportation of Japanese spun acrylic yarn to the United States and the period April 1, 1981 through March 31, 1982.

### Analysis of Comment Received

Interested parties were afforded an opportunity to submit written or oral comments on the preliminary results. The Department received one comment from a manufacturer of Japanese spun acrylic yarn, Asahi Chemical Industry Co., Ltd. ("Asahi").

### Comment

Asahi objected to our use of the most recent information available for a firm to determine the rate of cash deposit of estimated duties when the review disclosed no shipments by that firm during the review period. Asahi argued that, where a review discloses no shipments, the Department should determine that there have been no sales in which the foreign market value exceeded the United States price and, therefore, that no margin exists for the period. As a result, no cash deposit of estimated duties should be required on future shipments by that firm.

### Position

In a decision issued on September 14, 1982, the U.S. Court of International Trade addressed this question, raised in an action arising from a previous administrative review of this order (*Asahi Chemical Industry Company, Ltd. v. United States*, — CIT —, Slip. Op. 82-75). In that decision the court upheld the Department's policy of resorting to the most recent price information available for firms not shipping during a review period to set deposits of estimated duties for such firms. That information is considered to be the most recent margins calculated from foreign



market value and United States price information. We have applied this policy in this review.

### Final Results of the Review

After consideration of the comment received, the final results of our review are unchanged from those published in the preliminary results of review and we determine that, for the period April 1, 1981 through March 31, 1982, the following weighted-average margins exist:

Japanese exporter	Margin (percent)
Mitsui & Co., Ltd. (Mfr: Kanegafuchi Chem. Ind. Co., Ltd.)	10
Daijibara Co., Ltd. (Mfr: Japan Exlan Corp.)	18.33
(Mfr: Mitsubishi Rayon Co., Ltd.)	20.25
C. Itoh & Co., Ltd. (Mfr: Asahi Chem. Ind. Co., Ltd.)	29.05
(Mfr: Mitsubishi Rayon Co., Ltd.)	20.26
Gunza Sangyo, Inc. (Mfr: Asahi Chem. Ind. Co., Ltd.)	29.05
Taijin Shoji Kaisha, Ltd. (Mfr: Asahi Chem. Ind. Co., Ltd.)	29.05
Itomari & Co., Ltd. (Mfr: Japan Exlan Corp.)	18.33
Nissin Iwai Corp. (Mfr: Japan Exlan Corp.)	18.33
Mitsubishi Corp. (Mfr: Mitsubishi Rayon Co., Ltd.)	20.26
Nichimen Co., Ltd.	23.19

<sup>1</sup> No shipments during review period.

As provided for by § 353.45(b) of the Commerce regulations, a cash deposit of estimated antidumping duties based upon the margins stated above shall be required on all shipments of Japanese spun acrylic yarn from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

For any shipment from a new exporter not covered in this administrative review, unrelated to any covered firm, a cash deposit shall be required at the highest rate for respondents with shipments during the period covered by the fair value determination, the most recent period in which commercial shipments occurred. These deposit requirements shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of April 1984.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1))

and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

October 5, 1982.

[FR Doc. 82-27736 Filed 10-7-82; 8:45 am]

BILLING CODE 3510-25-M

### Sugar Content of Certain Articles From Australia; Preliminary Results of Administrative Review of Countervailing Duty Order

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of preliminary results of administrative review of countervailing duty order.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the countervailing duty order on the sugar content of certain articles from Australia. The review covers the periods July 1, 1979 through December 31, 1979, and calendar years 1980 and 1981. As a result of this review, the Department has preliminarily determined the amounts of the net subsidies. For July through December 1979, the rates of benefits are Aus. \$35.03 per metric ton of sugar content for "approved fruit products" and Aus. \$45.03 per metric ton for "other approved products." For calendar year 1980 the rate was zero for both categories. During 1981, the average rates of benefit were zero for "approved fruit products" and Aus. \$2.58 per metric ton of sugar content for "other approved products." Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** October 8, 1982.

**FOR FURTHER INFORMATION CONTACT:** Josephine Russo or Richard Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. (202 377-2786).

### SUPPLEMENTARY INFORMATION:

#### Background

On March 24, 1923, in T.D. 39541, the Department of the Treasury ("Treasury") issued a countervailing duty order on the sugar content of certain articles imported directly or indirectly from Australia. Subsequent notices, the last of which was T.D. 79-216 (44 FR 45923, August 6, 1979), amended the countervailing duty rates.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from Treasury to the Department of

Commerce ("the Department"). The Department published in the *Federal Register* of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all countervailing duty orders. (This order was improperly identified as issued on December 16, 1922 in our notice of intent to review.) As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted an administrative review of the order on the sugar content of certain articles from Australia.

### Scope of the Review

Imports covered by the review are "approved fruit products" and "other approved products" produced in Australia. The current list of "approved fruit products" includes the following items: jams, canned fruits, citrus peel, crystallized (or glaze) fruits, certain fruit cordials and fruit juices containing not less than 25 percent pure Australian juice. The list of "other approved products" currently includes: alcoholic beverages, biscuits, cakes, puddings, pastries and similar mixtures and ingredients used to make them, chemicals derived from cane sugar by hydrolysis, chemical preparations used as inhibitors or stabilizers, condiments, confectionary, desserts and ingredients used to make them, drink powders and crystals, essences and flavorings, ice block mixtures, leather, maple syrup, medicines and drugs, mixtures used to make icings, fillings, dressings and other foods, processed cereal foods or vegetables, processed egg products, processed milk products, quick frozen fruits, soft drinks, soups, spreads, sweetened fruit pulp and other fruit products which are not "approved fruit products." Exceptions to the above are pure sugar and pure icing sugar (that is, not mixed with other manufacturing ingredients), golden syrup, treacle and molasses. These are regarded as sugar and sugar syrups.

The review covers the periods July 1, 1979 through December 31, 1980, and calendar years 1980 and 1981. It is limited to the program of rebate payments made through the Export Sugar Rebate System. This was the only program found countervailable by Treasury.

### Analysis of the Program

Export sugar rebates are fixed and published by the Export Sugar Committee on a monthly basis and are granted when the world ("parity") price of sugar is lower than the price of sugar in Australia. The average rates for the



periods of review are discussed under the *Preliminary Results*.

We verified this information through a review of public documents published by the Export Sugar Committee and confirmed officially by the Government of Australia.

#### Preliminary Results of the Review

As a result of our administrative review, we preliminarily determine that the sugar content of certain articles from Australia benefitted from average net subsidies of Aus. \$35.03 per metric ton of sugar content for approved fruit products and Aus. \$45.03 per metric ton of sugar content for other approved products during the period July 1, 1979 through December 31, 1979. For calendar year 1980, the rates were zero for both categories. During 1981, the average net subsidies were zero for approved fruit products and Aus. \$2.58 per metric ton of sugar content for other approved products.

Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties on shipments exported during the review periods as shown in the table below:

Period	Australian dollars	
	Approved fruit products <sup>1</sup>	Other approved products <sup>1</sup>
July 1, 1979-Dec. 31, 1979	\$35.03	\$45.03
Jan. 1, 1980-Dec. 31, 1980	Nil	Nil
Jan. 1, 1981-Dec. 31, 1981	Nil	2.58

<sup>1</sup>Per metric ton of sugar content.

Further, as provided by section 751(a)(1) of the Tariff Act, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of Aus. \$2.58 per metric ton of sugar content on other approved products and zero on approved fruit products on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1)

of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce regulation (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

October 5, 1982.

(FR Doc. 82-27738 Filed 10-7-82; 8:45 am)

BILLING CODE 3510-25-M

#### Synthetic Methionine From Japan; Preliminary Results of Administrative Review of Antidumping Finding

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Preliminary Results of Administrative Review of Antidumping Finding.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the antidumping finding on synthetic methionine from Japan. The review covers the 30 known exporters and third-country resellers of this merchandise to the United States and the period July 1, 1980 through June 30, 1981. The review indicates the existence of dumping margins for 2 firms.

As a result of this review, the Department has preliminarily determined to assess dumping duties for those two firms, both of which failed to respond to the Department's questionnaire, based on the best information available. For the 28 firms with no shipments, the cash deposit rate will be equal to the calculated margin for the last shipments by each firm.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** October 8, 1982.

#### FOR FURTHER INFORMATION CONTACT:

Susan M. Crawford or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5255).

#### SUPPLEMENTARY INFORMATION:

##### Background

On April 12, 1982, the Department of Commerce ("the Department") published in the *Federal Register* (47 FR 15622-4) the final results of its first administrative review of the antidumping finding on synthetic methionine from Japan (38 FR 18392, July 10, 1973) and announced its intent to conduct the next administrative review by the end of July 1982. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

#### Scope of the Review

Imports covered by the review are shipments of synthetic methionine, other than synthetic L methionine. Synthetic methionine here is an amino acid produced in two grades, DL methionine national formula grade (used as a feed additive). Both grades of synthetic methionine are currently classifiable under item 425.0420 of the Tariff Schedules of the United States Annotated (9TSUSA).

The Department knows of a total of 30 Japanese firms and third-country resellers engaged in the manufacture and/or exportation of Japanese synthetic DL methionine to the United States. The review covers all 30 and the period July 1, 1980 through June 30, 1981.

Twenty-eight exporters or third-country resellers did not export synthetic methionine to the U.S. during the period reviewed. The estimated duty cash deposit rate for these firms shall be the most recent rate calculated for each firm. Two exporters failed to respond to our questionnaire. For these non-responsive exporters we used the best information available to determine the assessment and estimated duty deposit rates. The best information available is the fair value rate, which is higher than the highest rate for responding firms with shipments during the most recent period in which shipments occurred.

One firm, Sakai Chemical Industry Co., Ltd., never sold the merchandise to the U.S. The Department preliminarily has decided not to include this firm in this or future section 751 reviews. This is not a proposal to revoke the finding with respect to this firm. If it begins shipping Japanese synthetic methionine, we shall treat it as a new exporter.

In the final results of review published on April 12, 1982, we indicated that we were investigating an exchange agreement between Rhone Poulenc, a French manufacturer of synthetic methionine, and Mitsui & Co., Japan, to ensure that the agreement does not circumvent the dumping finding. After reviewing the information gathered, including a copy of the agreement, the Department has preliminarily determined that no further investigation is warranted, since the agreement concerns only the exportation of French-produced methionine.

#### Preliminary Results of Review

As a result of our review, we preliminarily determine that the following margins exist for the period July 1, 1980 through June 30, 1981:



Mfr. and/or exporter	Margin (percent)
Ajinimoto Co.	48
Alps Pharmaceutical Co.	122.54
Amano Pharmaceutical Co.	48
Chugai Boyeki Co.	40
Daids Bussan	40
Helm	11.14
Inui Yakuhiin Kogyo Co., Ltd.	40
Isho Corporation	48
Iwaki & Co.	1.69
Koyo Mercantile Co., Ltd.	40
Kyowa Hakkō Kogyo Co.	29.10
Marubeni Corporation	48
Nippon Kayaku	48
Nippon Soda Co., Ltd./Mitsui & Co.	10.43
K. Sakai & Co.	40
Sumitomo Chemical Industrial Co.	40

<sup>1</sup> No shipments during the period.

Third-country reseller (country)	Margin (percent)
Atlantic Trading Co. (Canada)	40
H. J. Baker & Brothers (W. Germany)	40
Chemical & Feeds Ltd. (United Kingdom)	48
Chemo Dondorf (W. Germany)	48
Deutsch-Norwegische GmbH (W. Germany)	22.53
Fortamex Chemicals (Canada)	21.66
Karl O. Helm (W. Germany)	2.86
Hoffman La Roche (Canada)	40
Instel Corp. (France)	6.25
Mitsui & Co. (Belgium)	40
Mitsui & Co. (United Kingdom)	40
Nutrikem Limited (United Kingdom)	40
Seimsgluss & Sohn (W. Germany)	48
R. W. Unwin & Co. (United Kingdom)	40

<sup>1</sup> No shipments during the period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the period of review. The Department will issue assessment instructions on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margin for each firm shall be required on all shipments of Japanese synthetic methionine from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. These deposit requirements shall remain in effect until publication of

the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675 (a)(1)) and § 353.53 of the Commerce regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

October 4, 1982.

(FR Doc. 82-27741 Filed 10-7-82; 8:45 am)

BILLING CODE 3510-25-M

#### [Case No. 637]

#### AEG-Kanis Turbinenfabrik GmbH; Order Temporarily Denying Export Privileges

In the matter of AEG-Kanis Turbinenfabrik GmbH, Frankenstrasse 70-80, D-8500 Nuernberg, Federal Republic of Germany and Altendorfer Strasse 39-85, D-4300 Essen, 1, Federal Republic of Germany.

The Department of Commerce (the "Department"), pursuant to the provisions of § 388.19 of the Export Administration Regulations (15 CFR Part 368, *et seq.* (1981)) (the "Regulations"), has petitioned the Hearing Commissioner for an order temporarily denying to AEG-Kanis Turbinenfabrik GmbH ("AEG-Kanis") export privileges concerning U.S.-origin commodities and technical data for or relating to oil and gas exploration, production, transmission, or refinement.

The Department states that AEG-Kanis is under investigation by the Department's Office of Export Enforcement. The Department states further that its investigation gives it reason to believe: (i) That AEG-Kanis is a West German corporation which is a licensee of General Electric, a United States corporation; (ii) that, in order to carry out certain transactions, AEG-Kanis has exported, or has placed beyond its control to prevent the export of, certain gas turbines from the Federal Republic of Germany to the Soviet Union; (iii) that these gas turbines were manufactured in the Federal Republic of Germany incorporating U.S.-origin goods and technology; (iv) that the Regulations prohibit the export to the Soviet Union of such items; and (v) that AEG-Kanis may make similar exports in the future contrary to the Regulations unless appropriate action is taken to preclude such attempts.

Based upon the showing made by the Department, I find that an order temporarily denying to AEG-Kanis export privileges concerning U.S.-origin commodities and technical data for or relating to oil and gas exploration,

production, transmission, or refinement is required in the public interest to facilitate enforcement of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401, *et seq.* (Supp. III 1979)), and the Regulations, and to permit completion of the Department's investigation.

Anyone who is now or may in the future be dealing with the above-named respondent in transactions that in any way involve U.S.-origin commodities or technical data for or relating to oil and gas exploration, production, transmission, or refinement is specifically alerted to the provisions set forth in Paragraph IV below.

Accordingly, it is hereby Ordered:

I. All outstanding validated export licenses concerning U.S.-origin commodities or technical data for or relating to oil and gas exploration, production, transmission, or refinement in which respondent appears or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office or Export Administration for cancellation.

II. The respondent, its successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving U.S.-origin commodities or technical data for or relating to oil and gas exploration, production, transmission, or refinement exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexport authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any such commodities or technical data exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent,



but also to its agents and employees and to any successor.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall, with respect to U.S.-origin commodities and technical data for or relating to oil and gas exploration, production, transmission or refinement, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent, or whereby the respondent may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States in whole or in part, by, to, or for the respondent denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any such commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Regulations, the respondent may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 6716, 14th and Constitution Avenue, NW., Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Hearing Commissioner at the earliest convenient date. In accordance with the provisions of § 388.22 of the Regulations, the respondent may appeal to the Assistant Secretary for Trade Administration, U.S. Department of Commerce, Room 3898-B, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, an order temporarily denying export privileges.

VI. This order is effective immediately. It remains in effect until the final disposition of any administrative or judicial proceeding or proceedings initiated against the respondent as a result of the ongoing investigation. A copy of this order and Parts 387 and 388 of the Regulations shall be served upon the respondent.

Dated: October 5, 1982.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 82-27825 Filed 10-7-82; 8:45 am]

BILLING CODE 3510-25-M

[Case No. 638]

**Mannesmann Anlagenbau Aktiengesellschaft; Order Temporarily Denying Export Privileges**

In the matter of Mannesmann Anlagenbau Aktiengesellschaft, Theodorstrasse 90, 4000 Dusseldorf 30, Federal Republic of Germany.

The Department of Commerce (the "Department"), pursuant to the provisions of § 388.19 of the Export Administration Regulations (15 CFR Part 388, *et seq.* (1981)) (the "Regulations"), has petitioned the Hearing Commissioner for an order temporarily denying to Mannesmann Anlagenbau Aktiengesellschaft ("Mannesmann Anlagenbau") export privileges concerning U.S.-origin commodities and technical data for or relating to oil and gas exploration, production, transmission, or refinement.

The Department states that Mannesmann Anlagenbau is under investigation by the Department's Office of Export Enforcement. The Department states further that its investigation gives it reason to believe: (i) That Mannesmann Anlagenbau is a West German corporation and, as a member of a consortium with Creusot-Loire, a French corporation, has entered into a contract (the "Main Contract") with V/O Machinimport of the Soviet Union to deliver twenty-two complete gas turbine compressor stations for a portion of the "Siberia-West Europe Gas Pipeline"; (ii) that Mannesmann Anlagenbau has also entered into a contract with V/O Machinimport and AEG-Kanis Turbinenfabrik GmbH (AEG-Kanis), a West German corporation, under which AEG-Kanis will provide 47 gas turbines for the compressor stations covered by the Main Contract; (iii) that, in carrying out its responsibilities under the above-cited contracts, Mannesmann Anlagenbau participated in or was involved in a transaction which is under investigation for possible violations of the Regulations; (iv) that the transaction under investigation involves the export to the Soviet Union of gas turbines which were manufactured in West Germany incorporating U.S.-origin technology and/or U.S.-origin components; (v) that the Regulations prohibit the export to the Soviet Union of such items; and (vi) that Mannesmann Anlagenbau may participate in or be

involved in similar transactions in the future contrary to the Regulations.

Based upon the showing made by the Department, I find that an order temporarily denying to Mannesmann Anlagenbau export privileges concerning U.S.-origin commodities and technical data for or relating to oil and gas exploration, production, transmission, or refinement is required in the public interest to facilitate enforcement of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401, *et seq.*) (Supp. III (1979)), and the Regulations, and to permit completion of the Department's investigation.

Anyone who is now or may in the future be dealing with the above-named respondent or any related party in transactions that in any way involve U.S.-origin commodities or technical data for or relating to oil and gas exploration, production, transmission, or refinement is specifically alerted to the provisions set forth in Paragraph IV below.

Accordingly, it is hereby ordered I. All outstanding validated export licenses concerning U.S.-origin commodities or technical data for or relating to oil and gas exploration, production, transmission, or refinement in which respondent or any related party appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondent, its successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving U.S.-origin commodities or technical data for or relating to oil and gas exploration, production, transmission, or refinement exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexport authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect



to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any such commodities or technical data exported from the United States in whole or in part, or to be exported, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents and employees and to any successor. After notice and opportunity for comment, such denial may also be made applicable to any person, firm, corporation, or business organization with which respondent is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or related services. Business organizations in West Germany now known to be owned by or affiliated with Mannesmann Anlagenbau and which are accordingly subject to the provisions of this order, are:

Essener Hochdruck-Rohrleitungsbau GmbH,  
Wolbeckstrasse 25, Essen 12, Federal  
Republic of Germany  
Kocks Pipeline Planung GmbH,  
Augustastrasse 30, 4000 Dusseldorf 30,  
Federal Republic of Germany

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall, with respect to U.S.-origin commodities and technical data for or relating to oil and gas exploration, production, transmission, or refinement, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner capacity, on behalf of or in any association with the respondent or any related party or whereby the respondent or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any such commodity or technical data exported from the United States in whole or in part, or to be exported, by, to, or for the respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any such

commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Regulations, the respondent or any related party may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 6716, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Hearing Commissioner at the earliest convenient date. In accordance with the provisions of § 388.22 of the Regulations, the respondent or any related party may appeal to the Assistant Secretary for Trade Administration, U.S. Department of Commerce, Room 3898-B, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, an order temporarily denying export privileges.

VI. This order is effective immediately. It remains in effect until the final disposition of any administrative or judicial proceeding or proceedings initiated against the named respondent as a result of the ongoing investigation. A copy of this order and Parts 387 and 388 of the Regulations shall be served upon the respondent and the above-named related parties.

Dated: October 5, 1982.

Thomas W. Hoya,  
Hearing Commissioner.

[FR Doc. 82-27826 Filed 10-7-82; 8:45 am]

BILLING CODE 3510-25-M

#### National Technical Information Service

##### Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

George Kudravetz,  
Program Manager, Office of Government  
Inventions and Patents, National Technical  
Information Service, Department of  
Commerce.

- SN 6-402,352 Isoelectric Focussing-Poly-Nucleotide/Polyacrylamide Gel Electrophoresis, Dept. of Health & Human Services
- SN 6-402,353 Multi Slab Gel Casting and Electrophoresis Apparatus, Dept. of Health & Human Services
- SN 6-396,057 Non-Invasive Optical Assessment of Platelet Viability, Dept. of Health & Human Services
- SN 6-338,537 Inhibition by Peptides of Tolerance to and Physical Dependence on Morphine, Dept. of Health & Human Services
- SN 6-396,055 Fiber Optic PO<sub>2</sub> Probe, Dept. of Health & Human Services
- SN 6-400,571 Systems for Monitoring Changes in Elastic Stiffness in Composite Materials, Department of Commerce
- SN 6-308,350 (4,347,378) Antimicrobial Glycolic Acid Derivatives, Department of Agriculture
- SN 6-202,397 (4,347,647) Apparatus for Making No-Twist Yarn, Department of Agriculture
- SN 6-102,484 (4,347,938) Running Skyline Intermediate Support and Multi-Span Carriage, Department of Agriculture
- SN 6-196,172 (4,348,313) Concrete Formulation Comprising Polymeric Reaction Product of Sulfur/Cyclopentadiene Oligomer/Dicyclopentadiene, Department of Agriculture
- SN 6-310,406 (4,348,333) B-Ketocarboxyl and Phosphonate Dihydro-Chalcone Sweeteners, Department of Health & Human Services
- SN 6-202,395 (4,348,492) Starch Adduct Encasement of Particulate Elastomers, Department of Agriculture

[FR Doc. 82-27726 Filed 10-7-82; 8:45 am]

BILLING CODE 3510-04-M

#### COPYRIGHT ROYALTY TRIBUNAL

[Docket No. 82-3]

##### Declaration of Controversy Concerning Distribution of 1981 Jukebox Royalty Fees

October 5, 1982.

In accordance with 17 U.S.C. 116(c)(3), the Copyright Royalty Tribunal (Tribunal) declares the existence of a controversy concerning the distribution of royalty fees paid for 1981



performances of certain musical works by means of coin-operated phonorecord players (jukeboxes).

The Tribunal has been informed by ASCAP, BMI and SESAC of a partial agreement concerning the distribution of the 1981 jukebox fees. Other claimants are the Latin American Music Co., the Italian Book Corporation, and Sammie Belcher, Jr. The Tribunal directs all claimants to submit not later than November 12, 1982 any evidence to be considered by the Tribunal in the distribution of the jukebox royalty fees. Such evidence shall be addressed to the Acting Chairman, Copyright Royalty Tribunal, 1111 20th Street, NW., Washington, D.C. 20036; (202) 653-5175. Thomas C. Brennan,

*Acting Chairman, Copyright Royalty Tribunal.*

[FR Doc. 82-27794 Filed 10-7-82; 8:45 am]

BILLING CODE 1410-01-M

[Docket no. 82-1]

#### Possible Declaration of Controversy Concerning Distribution of 1981 Cable Royalty Fees

October 5, 1982.

In accordance with 17 U.S.C. 111(d)(5)(B), the Copyright Royalty Tribunal (Tribunal) directs that claimants to royalty fees paid by cable operators for secondary transmissions during 1981 shall submit not later than November 12, 1982 any comments concerning whether a controversy exists concerning the distribution of the 1981 royalty fees. In accordance with the statute and the previous determinations of the Tribunal, the only subject on which comments are requested is whether a controversy exists.

Comments shall be addressed to the Acting Chairman, Copyright Royalty Tribunal, 1111 20th Street NW., Washington, D.C. 20036, (202) 653-5175. Thomas C. Brennan,

*Acting Chairman, Copyright Royalty Tribunal.*

[FR Doc. 82-27793 Filed 10-7-82; 8:45 am]

BILLING CODE 1410-01-M

#### DEPARTMENT OF DEFENSE

##### Department of the Air Force

##### Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the

following: (1) Type of Submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondents; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

##### Extension

Nomination for Appointment to the United States Military Academy, Naval Academy, Air Force Academy (DD Form 1870).

This information is needed by authorized candidate nominating sources (Members of Congress, etc.) to use the form to nominate individuals for appointment to the service academies. It is also used by the academies in the selection process.

Eligible individuals seeking a nomination to a service academy: 32,640 responses; 5,440 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD, DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

A copy of the information collection proposal may be obtained from Ms. Norma Nottingham, HQ USAF/MPPA, Pentagon, Washington, D.C. 20330, telephone (202) 697-7116.

M. S. Healy,

*OSD Federal Register Liaison Officer, Department of Defense.*

October 5, 1982.

[FR Doc. 82-27804 Filed 10-7-82; 8:45 am]

BILLING CODE 3910-01-M

##### Defense Audit Service

##### Membership of the Defense Audit Service (DAS) Performance Review Board

AGENCY: Defense Audit Service, DOD.

ACTION: Notice of Membership of the Defense Audit Service Performance Review Board.

SUMMARY: This notice announces the appointment of the members of the Performance Review Board (PRB) of the Defense Audit Service. The publication of PRB membership is required by 5 U.S.C. 4314 (c)(4). The Performance Review Board provides fair and impartial review of Senior Executive

Service performance appraisals and makes recommendations regarding performance and performance awards to the Director, Defense Audit Service.

EFFECTIVE: October 8, 1982.

##### FOR FURTHER INFORMATION CONTACT:

Mr. Robert Coffey, Staff Manager, Defense Audit Service, 1300 Wilson Boulevard, Arlington, Va. 22209, (202) 694-8333.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314 (c)(4), the following are names and titles of the executives who have been appointed to serve as members of the Performance Review Board. They will serve a one-year renewable term, effective upon publication of this notice.

John R. Vaughan, Defense Mapping Agency

Graydon I. Lose, Office of the Secretary of Defense, Comptroller

Mary Jane Calais, Office of the Secretary of Defense, Review & Oversight

Robert Coffey, Staff Manager.

[FR Doc. 82-27804 Filed 10-7-82; 8:45 am]

BILLING CODE 3620-01-M

#### DEPARTMENT OF ENERGY

##### Economic Regulatory Administration

[ERA Docket No. 82-12-LNG]

##### Natural Gas Imports; Trunkline LNG Company's Authorization To Import Liquefied Natural Gas From Algeria

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of conference.

SUMMARY: Notice is hereby given that the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) will hold a public conference on October 15, 1982, beginning at 9:00 a.m., c.d.t., in Room 300, Municipal Building, 7th and Monroe Streets, Springfield, Illinois, with Trunkline LNG Company (TLC) and other interested parties with respect to TLC's importation of liquefied natural gas (LNG) from Algeria.

On October 5, 1982, a notice was published in the *Federal Register* (47 FR 43999) announcing an ERA conference in Peoria, Illinois, on the same subject matter. The Springfield conference will be conducted in the same manner as the Peoria conference and will be addressing the same matters outlined in the October 5 Notice of Conference. This conference will afford interested parties the opportunity to present their views to



the ERA and also permit an exchange of views among interested parties.

**DATES:** The conference will be held on October 15, 1982. Requests to speak must be made by close-of-business on October 12, 1982. Written comments may be submitted in lieu of an oral presentation. These written comments will be due by close-of-business on October 15, 1982.

**FOR FURTHER INFORMATION CONTACT:**

John Glynn (Office of Fuels Programs, Natural Gas Branch), Economic Regulatory Administration, 12th & Pennsylvania Avenue NW., Federal Building, Room 6144, (RG-631), Washington, D.C. 20461, (202) 633-9296

Merrill F. Hathaway, Jr. (Office of General Counsel, Natural Gas and Mineral Leasing), 1000 Independence Avenue SW., Forrestal Building, Room 6E-042, Washington, D.C. 20585, (202) 252-4467

Jack Vanderberg (Public Affairs), Economic Regulatory Administration, 12th & Pennsylvania Avenue NW., Federal Building, Room 7120, Washington, D.C. 20461, (202) 633-8755.

Issued at Washington, D.C. on October 6, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 82-28033 Filed 10-7-82; 10:36 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-2225-2]

### Availability of Environmental Impact Statements Filed September 27 Through October 1, 1982 Pursuant to 40 CFR Part 1506.9

**RESPONSIBLE AGENCY:** Office of Federal Activities, General Information 382-5075 or 382-5076.

**Corps of Engineers:**

EIS No. 820661, Draft, COE, FL, PRO, South Florida Wetland Limestone Mining, Excavation and Use, Due: Nov. 22, 1982

EIS No. 820656, Final, COE, AK, Seward Small Boat Harbor, Navigation Improvement, Due: Nov. 8, 1982

EIS No. 820649, FSuppl, COE, MN, Chaska Flood Control Plan, Minnesota River, Carver County, Due: Nov. 8, 1982

**Department of Energy:**

EIS No. 820662, Draft, BPA, SEV, PRO, Northwest US Transmission Facilities Vegetation Mgmt. Program, Due: Dec. 6, 1982

**Department of the Interior:**

EIS No. 820654, Draft, BIA, NM, Navajo RR Coal Transportation, Right-of-Way, San Juan & McKinley Cos., Due: Dec. 3, 1982

EIS No. 820655, Draft, BLM, AZ, Upper Sonoran Wilderness Study Area, Designation, Due: Dec. 6, 1982

EIS No. 820647, Final, BLM, SEV, ID, NV, Bruneau-Kuna Grazing Resource Management Program, Due: Nov. 8, 1982

EIS No. 820645, Final, BLM, NV, Schell Livestock Grazing Mgmt. Plan, White Pine, Nye and Lincoln Cos., Due: Nov. 8, 1982

EIS No. 820646, Final, BLM, NV, Reno Domestic Livestock Grazing Management Program, Due: Nov. 8, 1982

EIS No. 820665, Final, NPS, PA, U.S. 209/Delaware Water Gap Nat'l Recreation Area, Pike and Monroe Cos., Due: Nov. 8, 1982

EIS No. 820660, FSuppl, BOR, CO, San Luis Valley Water Resources Project, Alamosa and Saguache Cos., Due: Nov. 8, 1982

**Department of Transportation:**

EIS No. 820652, Draft, FHW, AL, I-210 Connector Construction, I-10 to I-65, Mobile County, Due: Nov. 29, 1982

EIS No. 820653, Draft, FHW, GA, Eugene Talmadge Memorial Bridge Replacement, Chatham County, Due: Nov. 22, 1982

EIS No. 820651, Draft, FHW, MI, MI-59 Reconstruction, Mound Road to I-94, Macomb County, Due: Nov. 22, 1982

EIS No. 820643, Draft, FHW, WA, I-5/I-90 Junction, Seattle Access Improvements, King County, Due: Nov. 22, 1982

EIS No. 820650, Final, FHW, OR, Florence Eugene Highway/OR-126, Replacement, Noti to Veneta, Lane Co., Due: Nov. 8, 1982

EIS No. 820644, DSuppl, FHW, ND, U.S. 2 Upgrading, Leeds to Devils Lake, Benson and Ramsey Counties, Due: Nov. 22, 1982

EIS No. 820658, FSuppl, FHW, HI, I-H3 Gap Closure, Halawa to Halekew Interchanges, Honolulu County, Due: Nov. 8, 1982

EIS No. 820640, FSuppl, FHW, NB, NB-63/Ashland Bypass Improvement, US 6-Furnas/14th Sts., Saunders Co., Due: Nov. 8, 1982

EIS No. 820657, Final, EPA, NY, Hudson River PCB Reclamation Demonstration Project, Due: Nov. 8, 1982

**Environmental Protection Agency:**  
EIS No. 820648, Draft, EPA, SEV, ATL, GA, NC, SC, Savannah/Wilmington/Charleston Disposal Sites, Due: Nov. 22, 1982

EIS No. 820657, Final, EPA, NY, Hudson River PCB Reclamation Demonstration Project, Due: Nov. 8, 1982

**Federal Energy Regulatory Commission:**

EIS No. 820664, Final, FRC, CA, Balsam Meadow/Big Creek Hydro Project No. 67, License, Fresno County, Due: Nov. 8, 1982

EIS No. 820666, Final, FRC, ID, AJ, Wiley Hydroelectric Project, License, Twin Falls and Gooding Cos., Due: Nov. 8, 1982

**Department of Housing and Urban Development:**

EIS No. 820663, Final, HUD, CA, Desert Falls Country Club, Mortgage Insurance, Riverside County, Due: Nov. 8, 1982

EIS No. 820659, Final, HUD, UT, White Sage Housing Development, Mortgage Insurance, Millard County, Due: Nov. 8, 1982

**Department of Agriculture:**

EIS No. 820599, Final, AFS, WY, Snake Wild/Scenic River Study, Bridger-Teton

NF, Teton & Lincoln Cos., Due: Nov. 8, 1982

**Amended Notices:**

EIS No. 820592, Draft, COE, CA, Bel Marin Keys Development, Unit 5, 404 Permit, Marin County, Published FR 09/17/82—Incorrect due date, Due: Nov. 1, 1982

EIS No. 820582, Final, COE, GU, Agat Small Boat Harbor Improvements At Nimitz Beach, Agat Area, Published FR 09/17/82—Incorrect due date Due: Oct. 18, 1982

EIS No. 820638, Draft, VAD, FL, Florida Veterans National Cemetery Development, Marion & Sumter Cos., Published FR 10/01/82-Incorrect status

Due: Nov. 15, 1982

Dated: October 5, 1982.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 82-27806 Filed 10-7-82; 6:45 am]

BILLING CODE 6560-50-M

[OPTS-59103; TSH-FRL 2222-5]

### Modified Diol; Premanufacture Exemption Application

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the *Federal Register* of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for an exemption, provides a summary, and requests comments on the appropriateness of granting the exemption.

**DATE:** Written comments by: October 25, 1982.

**ADDRESS:** Written comments, identified by the document control number "[OPTS-59103]" and the specific TME number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street, SW, Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** David Dull, Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm.



E-216, 401 M Street SW., Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

#### TME 82-55

*Close of Review Period.* November 11, 1982.

*Manufacturer.* Confidential.

*Chemical.* (G) Modified diol.

*Use/Production.* (S) Site-limited intermediate. Prod. range: 8 mos.—400–800 kg.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacturer: dermal and inhalation, up to 4 workers, up to 8 hrs total.

*Environmental Release/Disposal.* No release. Disposal by Resource Conservation Recovery Act (RCRA) licensed waste hauler.

*Dated:* October 1, 1982.

**Woodson W. Bercaw,**

*Acting Director, Management Support Division.*

[FR Doc. 82-27566 Filed 10-7-82; 8:45 am]

**BILLING CODE 6560-50-M**

#### [OPTS-51434; TSH-FRL 2222-6]

#### Certain Chemicals; Premanufacture Notices

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the *Federal Register* of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of twenty PMNs and provides a summary of each.

**DATES:** Close of Review Period:

PMN 82-690, December 21, 1982.

PMN 82-691, 82-692 and 82-693,

December 22, 1982.

PMN 82-694, 82-695, 82-696, 82-697, 82-698, 82-699 and 82-700, December 25, 1982.

PMN 82-701, 82-702, 82-703, 82-704, 82-705, 82-706 and 82-707, December 26, 1982.

PMN 82-708 and 82-709, December 27, 1982.

Written comments by:

PMN 82-690, November 21, 1982.

PMN 82-691, 82-692 and 82-693,

November 22, 1982.

PMN 82-694, 82-695, 82-696, 82-697, 82-698, 82-699 and 82-700 November 25, 1982.

PMN 82-701, 82-702, 82-703, 82-704, 82-705, 82-706 and 82-707, November 26, 1982.

PMN 82-708 and 82-709, November 27, 1982.

**ADDRESS:** Written comments, identified by the document control number "[OPTS-51434]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

**FOR FURTHER INFORMATION CONTACT:** David Dull, Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

#### PMN 82-690

*Manufacturer.* Confidential.

*Chemical.* (G) [Hydroxy (methylsulfonyl)phenyl]azo substituted heteromonocycle, metal complex (2:1), compd. with alkanamine (1:1).

*Use/Production.* (G) Colorant. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacturer: dermal and inhalation, a total of 5 workers, up to 16 hrs/da, up to 6 da/yr.

*Environmental Release/Disposal.* No release.

#### PMN 82-691

*Manufacturer.* E.I. du Pont de Nemours and Company, Inc.

*Chemical.* (G) Ethylene interpolymers.

*Use/Production.* (S) Plastic modifier.

Prod. range: 40,000–230,000 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacturer: dermal, a total of 6 workers, up to 10 da/yr.

*Environmental Release/Disposal.* Release to land. Disposal by incineration and approved landfill.

#### PMN 82-692

*Manufacturer.* Confidential.

*Chemical.* (G) Substituted glycine complex.

*Use/Production.* (G) Dilute solution used by specialized commercial customers and consumers. Prod. range: 0–800,000 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Processing and use: dermal, a total of 1.075 workers, up to 2 hrs/da, up to 100 da/yr.

*Environmental Release/Disposal.* No release to land or air and minimal to water. Disposal by biological treatment system.

#### PMN 82-693

*Manufacturer.* Pennwalt Corporation.

*Chemical.* (G) 1,1-dimethylethyl peroxyester.

*Use/Production.* (S) Commercial polymerization initiator. Prod. range: Confidential.

*Toxicity Data.* No data on the PMN substance submitted.

*Exposure.* Manufacturer: dermal and inhalation, a total of 5 workers, up to 2 hrs/da, 3 da/yr.

*Environmental Release/Disposal.* Less than 10 kg/yr released to air. Disposal by landfill.

#### PMN 82-694

*Importer.* Confidential.

*Chemical.* (G) Trialkyl dioxane.

*Use/Import.* (S) Fragrance for laundry detergents. Import range: Confidential.

*Toxicity Data.* Acute oral: 2.7 g/kg; Skin irritation: Non-irritant; Eye irritation: Non-irritant; Acute inhalation: No observed effect level (NOEL); Ames Test: Non-mutagenic; Skin sensitization: Negative.

*Exposure.* Processing: dermal and inhalation.

*Environmental Release/Disposal.* Minimal. Disposal by publicly owned treatment works (POTW).

#### PMN 82-695

*Importer.* Confidential.

*Chemical.* (G) Alkyl bicyclononane.

*Use/Import.* (S) Fragrance for laundry detergents. Import range: Confidential.

*Toxicity Data.* Acute oral: 0.75 g/kg; Skin irritation: Non-irritant; Eye irritation: Non-irritant; Acute inhalation: NOEL; Ames Test: Non-mutagenic; Skin sensitization: Negative.

*Exposure.* Processing: dermal and inhalation.

*Environmental Release/Disposal.* Minimal. Disposal by POTW.

#### PMN 82-696

*Importer.* Confidential.

*Chemical.* (G) Alkyl spirononane.



*Use/Import.* (S) Detergent fragrance. Import range: Confidential.

*Toxicity Data.* Acute oral: 0.63 g/kg; Skin irritation: NOEL; Eye irritation: NOEL; Inhalation: NOEL; Ames Test: NOEL; Skin sensitization: NOEL; Phototoxicity: NOEL.

*Exposure.* Manufacture and use: dermal and inhalation, a total of 1 worker.

*Environmental Release/Disposal.* No release. Disposal by sanitary sewers and local waste treatment operations.

#### PMN 82-697

*Importer.* Confidential.

*Chemical.* (G) Alkyl spirodecane.

*Use/Import.* (S) Detergent fragrance. Import range: Confidential.

*Toxicity Data.* Acute oral: 0.5 g/kg; Skin irritation: NOEL; Eye irritation: NOEL; Inhalation: NOEL; Ames Test: NOEL; Skin sensitization: NOEL; Phototoxicity: NOEL.

*Exposure.* Manufacture and use: dermal and inhalation, a total of 1 worker.

*Environmental Release/Disposal.* No release. Disposal by sanitary sewers and local waste treatment operations.

#### PMN 82-698

*Manufacturer.* Confidential.

*Chemical.* (G) Aminosulfur compound.

*Use/Production.* (G) Site-limited intermediate. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* None.

*Environmental Release/Disposal.* No release.

#### PMN 82-699

*Manufacturer.* Confidential.

*Chemical.* (G) Unsaturated polyester.

*Use/Production.* Confidential. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Confidential.

#### PMN 82-700

*Manufacturer.* Confidential.

*Chemical.* (G) Alkyd resin.

*Use/Production.* (G) Industrial coatings. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Processing, use and disposal: dermal and inhalation, a total of 8 workers, up to 8 hrs/da, up to 80 da/yr.

*Environmental Release/Disposal.* Less than 10 kg/yr release to air, water and land. Disposal by incineration.

#### PMN 82-701

*Importer.* Sandoz Colors and Chemicals.

*Chemical.* (G) Aromatic disazo dye.

*Use/Import.* (S) Textile fiber colorant. Import range: Confidential.

*Toxicity Data.* Acute oral: > 5,000 mg/kg; Skin irritation: Non-irritant; Eye irritation: Non-irritant.

*Exposure.* Use: dermal and inhalation.

*Environmental Release/Disposal.* 10-100 kg/yr released to water. Disposal by POTW and biological treatment system.

#### PMN 82-702

*Importer.* Sandoz Colors and Chemicals.

*Chemical.* (G) Metal complexed, substituted aromatic azo compound.

*Use/Import.* (S) Textile fiber colorant. Import range: Confidential.

*Toxicity Data.* Acute oral: > 5,000 mg/kg; Skin irritation: Non-irritant; Eye irritation: Non-irritant.

*Exposure.* Use: dermal and inhalation.

*Environmental Release/Disposal.* 10-100 kg/yr released to water. Disposal by POTW and biological treatment system.

#### PMN 82-703

*Manufacturer.* Confidential.

*Chemical.* (G) Reaction product of coco glycerides, sulfur, and polyalkylene-substituted phenol condensation product with aldehyde and mixed amines.

*Use/Production.* (G) Open use. Prod. range: 25,000-100,000 kg/yr.

*Toxicity Data.* Acute oral: > 5.0 g/kg; Skin irritation: Non-irritant; Eye irritation: Non-irritant.

*Exposure.* Manufacture and processing: dermal and inhalation, a total of 106 workers, up to 6 hrs/da, up to 30 da/yr.

*Environmental Release/Disposal.* Less than 10 kg/yr released to air 6 hrs/da, 30 da/yr with 10-1,000 kg/yr to land.

#### PMN 82-704

*Manufacturer.* Confidential.

*Chemical.* (G) Reaction product of carboxylic acid, sulfur, and polyalkylene-substituted phenol condensation product with aldehyde and mixed amines.

*Use/Production.* (G) Open use. Prod. range: 25,000-100,000 kg/yr.

*Toxicity Data.* Acute oral: > 5.0 g/kg; Skin irritation: Non-irritant; Eye irritation: Non-irritant.

*Exposure.* Manufacture and processing: dermal and inhalation, a total of 106 workers, up to 6 hrs/da, up to 30 da/yr.

*Environmental Release/Disposal.* Less than 10 kg/yr released to air 6 hrs/da, 30 da/yr with 10-1,000 kg/yr.

#### PMN 82-705

*Manufacturer.* Wilmington Chemical Corporation.

*Chemical.* (G) Epoxy urethane.

*Use/Production.* Confidential. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture, processing, use and disposal: dermal and air, a total of 4 workers, up to 8 hrs/da, up to 20 da/yr.

*Environmental Release/Disposal.* Less than 10 kg/yr released to air and water. Disposal by POTW.

#### PMN 82-706

*Importer.* Confidential.

*Chemical.* (G)

Sulfophenylazonaphthyl dye.

*Use/Import.* (S) Dye for leather and paper. Import range: Confidential.

*Toxicity Data.* Acute oral: > 5 g/kg; Skin irritation: Slight irritant; Eye irritation: Moderate irritant.

*Exposure.* Processing, use and disposal: dermal, a total of 6 workers, up to 2 hrs/da, up to 100 da/yr.

*Environmental Release/Disposal.* Less than 10 to 100 kg/yr released to water. Disposal by POTW and incineration.

#### PMN 82-707

*Manufacturer.* Confidential.

*Chemical.* (G) Neutralized reaction product of an alkanedioic acid and substituted alkanes.

*Use/Production.* (G) Open use. Prod. range: 5,000-32,000 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture, processing and use: dermal, a total of 108 workers, up to 6 hrs/da, up to 250 da/yr.

*Environmental Release/Disposal.* Less than 10 kg/yr released to air and water with 10-1,000 kg/yr to land. Disposal by incineration and approved landfill.

#### PMN 82-708

*Manufacturer.* Confidential.

*Chemical.* (G) Ester of diazo-naphthoquinone.

*Use/Production.* (G) Contained use. Prod. range: Confidential.

*Toxicity Data.* Acute oral: Mice > 4 g/kg, Rats: Males > 2.77, females > 1.78 g/kg g/kg; Acute dermal: > 2 g/kg; Skin irritation: Non-irritant; Eye irritation: Mild irritant; Ames Test: Non-mutagenic; Skin sensitization: Weak potential.

*Exposure.* Manufacturer, processing and disposal: dermal, a total of 8 workers, up to 8 hrs/da, up to 35 da/yr.

*Environmental Release/Disposal.* Less than 10 kg/yr released to water 4 hrs/da, 35 da/yr. Disposal by incineration.

#### PMN 82-709

*Manufacturer.* Confidential.



**Chemical.** (G) Dibasic acid esters of monohydric alcohols.

**Use/Production.** Confidential. Prod. range: Confidential.

**Toxicity Data.** No data submitted.

**Exposure.** Manufacture: dermal, a total of 4 workers, up to 12 hrs/da, up to 72 da/yr.

**Environmental Release/Disposal.** No release. Disposal to POTW.

Dated: October 1, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-27565 Filed 10-7-82; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL RESERVE SYSTEM

### Acquisition of Bank Shares by a Bank Holding Company

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

**A. Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary), Washington, D.C. 20551:

1. *First Pioneer Bank Corp.*, Brush, Colorado; to acquire 80 percent of the voting shares or assets of The Citizens National Bank, Akron, Colorado and The First National Bank, Wray, Colorado. This application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than November 3, 1982.

Board of Governors of the Federal Reserve System, October 4, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-27697 Filed 10-7-82; 8:45 am]

BILLING CODE 6210-01-M

### Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

**A. Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Flat Top Bankshares, Inc.*, Bluefield, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of The Flat Top National Bank of Bluefield, Bluefield, West Virginia. Comments on this application must be received not later than November 3, 1982.

**B. Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Fairmount Bancorp, Inc.*, Fairmount, Illinois; to become a bank holding company by acquiring 80 percent or more of the voting shares of The First National Bank of Fairmount, Fairmount, Illinois. Comments on this application must be received not later than November 3, 1982.

2. *First Thomasboro Corporation*, Thomasboro, Illinois; to become a bank holding company by acquiring 90 percent of the voting shares of The National Bank of Thomasboro, Thomasboro, Illinois. Comments on this application must be received not later than November 3, 1982.

3. *I.V. Bancorp, Inc.*, Peru, Illinois; to become a bank holding company by acquiring 80 percent of the voting shares of First National Bank in Peru, Peru, Illinois. Comments on this application must be received not later than November 3, 1982.

4. *South Sangamon Banc Shares, Inc.*, Divernon, Illinois; to become a bank holding company by acquiring 100

percent (less director's qualifying shares) of the voting shares of the successor by merger to Community Bank of Divernon, Divernon, Illinois. Comments on this application must be received not later than November 3, 1982.

**C. Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Pope County Bankshares, Inc.*, Russellville, Arkansas; to become a bank holding company by acquiring 80 percent of the voting shares of Peoples Bank & Trust Company, Russellville, Arkansas. Comments on this application must be received not later than November 3, 1982.

**D. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *H & H Bancshares, Inc.*, White City, Kansas; to become a bank holding company by acquiring 97.6 percent of the voting shares of First National Bank of White City, White City, Kansas. Comments on this application must be received not later than November 3, 1982.

Board of Governors of the Federal Reserve System, October 4, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-27969 Filed 10-7-82; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 81N-0253]

### Skull X-Ray Referral Criteria Panel; Meeting

**AGENCY:** Food and Drug Administration.  
**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing a forthcoming third meeting of the Skull X-Ray Referral Criteria Panel. FDA provides logistical support for this Panel, which is convened by the University of California at San Francisco. This notice tells how to submit written data and views to the Panel, how to participate in open sessions of the meeting, and how to review the reports of the Panel.

**DATES:** Open sessions: October 21, 1982, 8:30 a.m. to 10 a.m. and October 22, 1982, 8:30 a.m. to 10 a.m.; closed sessions: October 21, 1982, 10:30 a.m. to 4:30 p.m. and October 22, 1982, 10:30 a.m. to 12 m.



**ADDRESS:** The Panel meeting will be held at the Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20015. The report of the first two meetings of this Panel may be reviewed at the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. The report of the forthcoming third meeting will be placed on public display as soon as it is available.

**FOR FURTHER INFORMATION CONTACT:** Philip M. McClean, Bureau of Radiological Health (HFX-76), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4600.

**SUPPLEMENTARY INFORMATION:** Through the Bureau of Radiological Health, FDA conducts and supports research, training, and other activities to minimize unproductive radiation exposure from diagnostic radiological examinations. One possible source of unproductive radiation exposure is radiological examinations that are not likely to affect patient management. To minimize requests for ineffective examinations, it is important that the referring physician have up-to-date information about when a given radiological study is likely to provide needed diagnostic information. This information, which can take the form of decision guides based on patient signs, symptoms, or history, is termed here "referral criteria."

Under one part of a program designed to facilitate the development and testing by the medical profession of referral criteria for diagnostic radiological examinations, FDA provides logistical support through a contractor for the convening of small panels of clinical and scientific experts to formulate draft referral criteria or statements of use. A detailed description of the x-ray referral criteria development process was published in the *Federal Register* of June 9, 1981 (46 FR 30568).

This is the third meeting of the Skull X-Ray Referral Criteria Panel. The meeting is being called to continue the assessment of the existing state of knowledge regarding the use of plain skull radiography following head trauma and to discuss modifications to the draft referral criteria statement developed at the first and second Panel meetings. Anyone interested in specific agenda items to be discussed in the open sessions may determine from the contact person the approximate time of discussion.

Any interested person may submit written data and views to the Panel. Anyone who wishes to request time for oral presentations during the open sessions of the meeting should inform the contact person listed above, either

orally or in writing, before the meeting. Any person attending the meeting who does not in advance of the meeting request time will be permitted to make an oral presentation at the conclusion of the open sessions, if time permits, at the chairperson's discretion.

A list of committee members, a summary of previous Panel deliberations, a copy of the draft chest x-ray referral criteria, and the meeting agendas or the reports of the first and second meetings of the Panel may be reviewed at the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. The report of the third meeting of the Panel will be placed on public display at the Dockets Management Branch as soon as it is available and will contain minutes of the open sessions, copies of written data and views submitted to the panel in open sessions, and summaries of the closed sessions. Materials will be filed under the docket number appearing in the heading of this notice.

Dated: October 1, 1982.

**William F. Randolph,**  
*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 82-27524 Filed 10-4-82; 11:18 am]

**BILLING CODE 4160-01-M**

### **Advisory Committee; Notice of Meeting**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

#### **Neurological Device Section of the Respiratory and Nervous System Devices Panel**

*Date, time, and place.* November 4 and 5, 9 a.m., Rm. 703-727A, 200 Independence Ave. SW., Washington, DC 20201.

*Type of meeting and panel section leader.* Open public hearing, November 4, 9 a.m. to 11 a.m.; closed committee deliberations, 11 a.m. to 12 m.; open

committee discussion, 1 p.m. to 5 p.m.; open committee discussion, November 5, 9 a.m. to 5 p.m.; Dr. Robert F. Munzner, Bureau of Medical Devices (HFK-430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

*General function of the committee.* The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

*Agenda—Open public hearing.* Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before October 25, 1982, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments. Presentations should be limited to 20 minutes. Persons or groups with similar views on the issues before the committee are requested, if possible, to consolidate their presentations and make a single presentation before the committee.

*Open committee discussion.* The committee will discuss premarket approval application number P810058 for an electrical stimulator that includes a means for electrically locating points on the skin that can be stimulated to effect pain relief. The committee will recommend whether the premarket approval application should be approved or denied.

The committee will discuss a Reclassification Petition (F820009) to reclassify aneurysm clips made of cobalt-chromium alloy from Class III (premarket approval) to Class II (performance standards) and recommend whether the petition should be granted or denied.

The committee will discuss a Reclassification Petition (F820007) to reclassify electroconvulsive therapy (ECT) devices from Class III (premarket approval) to Class II (performance standards) and recommend whether the petition should be granted or denied.

*Closed committee deliberations.* The committee will discuss premarket approval application number P810058. This portion of the meeting will be closed to permit discussion of trade secret information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of



data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designate in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94-409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: October 1, 1982.

Mark Novitch,  
Acting Commissioner of Food and Drugs.

[FR Doc. 82-27605 Filed 10-7-82; 8:45 am]  
BILLING CODE 4160-01-M

[Docket No. 82M-0253]

**CILCO™, Inc.; Premarket Approval of Shearing-Stye Planar and Angled Posterior Chamber Intraocular Lenses (Models PC11/PB11 and PC12/PB12)**

**Correction**

In FR Doc. 82-23640 appearing on page 38406 in the issue of Tuesday, August 31, 1982, make the following correction:

Under **SUPPLEMENTARY INFORMATION**, in the 12th line of the first paragraph, " \* \* (2-1) \* \* " should have read " \* \* (2-) \* \* ".

BILLING CODE 1505-01-M

**Health Care Financing Administration**

**Medicare and Medicaid Programs; Statement of Policy Concerning Approval of Statewide Hospital Reimbursement Systems Demonstration Projects**

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** Statement of policy.

**SUMMARY:** Section 402(a)(1)(C) of the Social Security amendments of 1967, 42 U.S.C. 1395b-1, authorizes the secretary to conduct demonstration projects for the purpose of determining the effectiveness of health care reimbursement systems established under State law. This notice sets forth the general criteria under which HCFA will ordinarily consider approval of demonstration projects using a statewide hospital reimbursement system.

**DATE:** Effective October 8, 1982.

**FOR FURTHER INFORMATION CONTACT:** Bryan Luce, Ph.D. (202) 472-7431.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

**A. Traditional Hospital Reimbursement Methods**

Under Medicare, payments to hospitals are made on the basis of the cost of providing covered services to program beneficiaries. This retrospective, cost-based reimbursement mechanism has come under increasing criticism in recent years and has been cited as one of the contributors to the inflationary pressures on health care costs. Dissatisfaction with Medicare's payment system has given rise to considerable discussion of, and experimentation with, alternative reimbursement approaches.

At one time, the Medicaid program also paid for hospital services primarily



on a retrospective cost-related basis. However, section 2173 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) extended to States the latitude to develop alternative reimbursement systems and methodologies, subject to several limitations. Under the Medicaid law, as amended by section 2173, States must pay hospitals at rates which are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities. Aggregate Medicaid inpatient hospital expenditures may not exceed the amounts that would have been paid under the Medicare reimbursement principles. These Medicaid reimbursement provisions allow States considerable flexibility in the development of payment methodologies that incorporate innovative, cost-effective features, and that are closely linked to the State's environmental characteristics and local hospital systems.

#### *B. Demonstration Authority for Alternative Methods of Hospital Reimbursement*

Section 402(a) of the Social Security Amendments of 1967 (Pub. L. 90-248) granted authority to the Secretary to experiment with alternative methods of Medicare and Medicaid reimbursement—specifically, incentive reimbursement. Under this authority, we completed five experiments in which monetary awards were offered to those providers who reduced costs below a target level.

Congress authorized a broader program of experimentation under section 222 of the Social Security Amendments of 1972 (Pub. L. 92-603). Section 222(a), 42 U.S.C. 1395b-1 (note), provided a new authority to conduct prospective reimbursement experiments and demonstration projects under the Medicare and Medicaid programs. Also Section 222(b) amended section 402(a) of the Social Security Amendments of 1967 to include specific authority for approval of demonstration projects encompassing a broad range of payment methods. Section 402(a)(1)(C) specifically authorized demonstration projects on State rate setting. Under section 402(b) of the Social Security Amendments of 1967, the Secretary has broad discretion to waive the Medicare and Medicaid provisions as necessary to conduct projects under section 402(a). Thus, the Secretary can use this waiver authority to permit Medicare and Medicaid to participate in State rate setting demonstrations and to evaluate the effectiveness of adopting a State's method of determining hospital payment levels.

Under this demonstration authority, HCFA has supported a variety of efforts to develop, demonstrate and evaluate various prospective reimbursement and State rate setting programs. Included in this support were contracts with hospital associations, Blue Cross plans and State agencies to develop demonstration programs in Colorado, California, Connecticut, Massachusetts and New York. Waivers of Medicare/Medicaid reimbursement principles have also been approved on 10 occasions to develop and permit testing of the effects of HCFA participation in various reimbursement programs including Rhode Island, Maryland, Washington, New Jersey, Georgia, Western Pennsylvania, South Carolina, and the Rochester and Finger Lakes area in New York. New demonstration projects were recently approved in Massachusetts and New York.

Currently, in the States of Maryland and New Jersey, both Medicare and Medicaid program payments for hospital services are made in accordance with experimental payment methodologies incorporated in Statewide, all payor systems, rather than under the Medicare and Medicaid requirements that would otherwise apply. Additionally the Secretary recently approved with conditions, Medicare and Medicaid participation in all payor Statewide prospective reimbursement system in Massachusetts and New York. The Massachusetts project is effective October 1, 1982; New York will begin implementation January 1, 1983. Under these rate setting systems that cover all or nearly all (the Maryland system excludes Federal and State-controlled hospitals) acute care hospitals in the State, the hospital rates are determined under the State controlled systems and are paid by all third party payors in the State.

When Medicare began to participate in prospective reimbursement demonstrations, there was little data on the success of alternative options. We, therefore, wished to experiment with a variety of payment methods. Thus, our approach to date has been to engage in a broad range of research projects rather than to focus on and develop fully the alternatives in a more narrowly defined field. Over the past 10 years, we have participated in prospective reimbursement systems in nine States covering diverse methodologies. It appears that the recently awarded projects in New York and Massachusetts will provide the bulk of the remaining information needed on various Statewide approaches to prospectivity.

Not only have we participated in a broad scale of demonstrations, but we have also extensively evaluated the results. These evaluations have not only been completed by our own staff and staff in the States involved in the projects, but also by an independent contractor. Currently, ABT Associates, under contract with HCFA, is conducting a comprehensive evaluation of previous demonstrations on prospective reimbursement and has supplied comprehensive reports on the effectiveness of these programs. Consequently, we believe it is not a prudent use of our research resources to further engage in prospective reimbursement demonstrations on a broad scale.

In light of the data already accumulated during previous demonstrations, and expected information from ongoing projects, we have re-evaluated and refocused our research and development goals for Statewide ratesetting demonstrations. The purpose of this notice is to inform the public and States that we are narrowing our field of research interest in Statewide hospital reimbursement systems to those projects that primarily test alternatives that use a diagnosis related unit of payment, and that do not place the program at disproportionate risk. Thus, this notice sets forth the general criteria that we will ordinarily utilize in approving section 402(a)(1)(C) demonstration projects.

## **II. General Criteria for Approval of Statewide Reimbursement systems**

### *A. General Criteria for Proposals*

In order to be considered for approval under section 402(a)(1)(C) of the Social Security Amendments of 1967 as amended by section 222 of the Social Security Amendments of 1972 a demonstration proposal should—

- Be applicable Statewide;
- Result in combined Medicare and Medicaid savings each year;
- Use diagnosis-related groups (DRGs) as the unit of payment;
- Limit sharing of risks; and
- Not preclude HMOs from negotiating their own rates.

### *B. Discussion of Criteria*

1. *Applicable statewide.* Statewide rate setting demonstration projects should apply to the entire State. That is, all acute care hospitals should operate under the terms of the project. We are establishing this specification as one of the criteria for approval because we have previously received requests for waivers that excluded particular areas



of a State. We now wish to explore proposals that are potentially universally applicable. Therefore, we are inclined to approve only those State rate setting demonstrations that are applicable Statewide.

2. *Cost Savings.* For projects for Statewide rate setting under section 402(a)(1)(C) of the Social Security Amendments of 1967, the demonstration project should result in cost savings to the HCFA programs. We would expect that the project would yield combined Medicare and Medicaid savings in each year of operation.

We have previously received requests for approval of projects which would result in substantial program costs during the initial years of operation because of recognition of costs not permitted under the traditional reimbursement principles. These projects proposed that initial costs would be offset through long-term savings. We are now interested in demonstration projects that will result in combined Federal program savings immediately and in the future.

3. *Diagnostic Specific Payment.* Over the past 10 years we have developed some experience using diagnosis specific payments. For example, we have participated in a demonstration in New Jersey which uses a diagnosis-related group (DRG) as the payment unit. Further, the Medicaid program in Georgia uses DRGs as a factor in its method of peer group classification.

We are now interested in increasing research data on alternative methods of setting payment rates using DRGs as the payment unit. Therefore, Statewide ratesetting waiver projects should use DRG as the unit of payment. States may use any reasonable method of determining the rate for each DRG. For example, payment rates could be set using a negotiated rate, budget review or competitive bidding. However, the prospective reimbursement system should result in a predetermined payment per DRG rather than per diem, itemized charges, or another unit of payment.

4. *Limitations on Sharing of Risks.* Statewide prospective ratesetting demonstrations should result in equal sharing of risks for all participating payors to be approved for Medicare and Medicaid reimbursement waivers. We have previously reviewed demonstration proposals that included features such as penalty and disallowance provisions and shared reimbursement of bad debts not attributable to Medicare and Medicaid beneficiaries. These proposals are likely to produce risks to Medicare and Medicaid that are disproportionate to

the program's share of hospital payments. For example, equal reimbursement of bad debts is likely to result in risks to the Federal program that exceed that of the program's liability since Medicare's reimbursement for bad debt is limited to uncollected beneficiary deductibles and coinsurance. It would be pointless for HCFA to invest in research methods of prospective reimbursement that would place the program at a disproportionate level of risk at this stage of our demonstration experience. Thus, we are incorporating equal sharing of risks into our criteria.

5. *Freedom for Health Maintenance Organization (HMO) To Negotiate Rates.* HMOs offer a competitive alternative to traditional health care providers. Through years of study with various HMO demonstrations, we have concluded that health care utilization of HMO enrollees is somewhat different from the population generally. Often this permits HMOs to negotiate individual payment plans with the hospitals furnishing service to enrollees such as monthly per capita payments. Such negotiations may not be consistent with the diagnostic specific payment units. We are currently engaged in several HMO studies which are in various stages of development. We do not wish to impair the validity of these HMO studies or impair the effectiveness of established HMOs by precluding their negotiation with hospitals concerning reimbursement rates. Thus, any Statewide rate setting demonstration proposals should provide that HMOs may negotiate reimbursement rates with hospitals.

#### C. Exception to Criteria

We do not intend to preclude research in innovative, highly competitive Statewide rate setting programs. Rather, we intend to focus the majority of our study in Statewide rate setting to an evaluation of alternative systems for paying for hospital services on a diagnosis related basis. The criteria set forth in this statement of policy are those that we have tentatively decided should be met to make the results of the demonstration useful to HCFA's data gathering efforts. Applicants for Statewide projects that do not meet these criteria will be required to demonstrate why the projects would better serve HCFA's research objectives than would a project meeting the criteria. We will, however, especially consider exceptions to the above criteria for Statewide demonstration proposals using highly innovative, competitive, prospective reimbursement systems such as capitation or competitive

bidding. We are particularly interested in proposals of this type because our past experience in demonstration projects has not resulted in extensive data on the effectiveness of these forms of cost containment.

(Catalog of Federal Domestic Assistance Programs, No. 13.773, Hospital Insurance Program and No. 13.714 Medical Assistance Program)

Dated: October 4, 1982.

Carolyn K. Davis,  
Administrator, Health Care Financing  
Administration.

Approved: October 5, 1982.

Richard S. Schweiker,  
Secretary.

[FR Doc. 82-27822 Filed 10-7-82; 8:45 am]

BILLING CODE 4120-03-M

## Public Health Service

### Food and Drug Administration; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685, February 25, 1970, as amended most recently in pertinent part at 44 FR 27750-51, May 11, 1979, and 45 FR 57173-74, August 27, 1980), is amended to reflect the establishment of the National Center for Devices and Radiological Health. The Bureaus of Radiological Health (BRH) and Medical Devices (BMD) are abolished and their functions merged into the new Center.

The merger of these two bureaus will combine laboratory facilities and consolidate activities of scientists experienced in engineering, physics, chemistry, and toxicology for standard-setting and scientific review of radiological products and medical devices. This merger will help to eliminate duplication of functions and benefit the public through more efficient regulation based on sound science. The substructure for the National Center for Devices and Radiological Health consists of: The Office of Health Physics and the Office of Management and Systems in the Office of the Center Director, the Office of Radiological Health, comprised of four divisions from BRH, and the Office of Medical Devices, comprised of 12 divisions from BMD.

Section HF-B, Organization and Functions is amended as follows:

1. Delete paragraph(s) and all subparagraphs for Bureau of Radiological Health.



2. Delete paragraph (p) and all subparagraphs for Bureau of Medical Devices.

3. Insert new paragraph (o), *National Center for Devices and Radiological Health (HFW)* reading as follows:

(o) *National Center for Devices and Radiological Health (HFW)*. Develops and carries out a national program designed to control unnecessary exposures of humans to, and assure the safe and efficacious use of, potentially hazardous ionizing and nonionizing radiation.

Develops policy and priorities regarding FDA programs relating to the safety, effectiveness, and labeling of medical devices for human use.

Conducts an electronic product radiation control program, including the development and administration of performance standards.

Develops, plans, and evaluates surveillance and compliance programs for medical devices and radiation exposure.

Plans, conducts, and supports research and testing relating to medical devices and to the health effects of radiation exposure.

Reviews and evaluates medical device premarket approval applications (PMAA's), product development protocols (PDP's), and exemption requests for investigational devices (IDE's).

Develops, promulgates, and enforces performance standards for appropriate categories of medical devices and Good Manufacturing Practice (GMP) regulations for manufacturers.

Provides technical and other nonfinancial assistance to small manufacturers of medical devices.

Develops regulations, standards, and criteria and recommends changes in FDA legislative authority necessary to protect the public health.

Provides scientific and technical support to other components within FDA and other agencies on matters relating to radiological health and medical devices.

Maintains appropriate liaison with other Federal, State, and international agencies, with industry, and with consumer and professional organizations.

(o-1) *Office of the Director (HFW1)*. Provides leadership and direction for, and evaluation and coordination of, the total activities of the Center.

Provides advice and consultation to the Commissioner and other FDA officials on policy matters concerning radiological health and medical device activities.

Provides leadership and expertise among Departmental components for the

coordination of radiation protection activities.

Recommends changes in legislative authority to the Office of the Commissioner.

Establishes policy in the areas of education and communications and formulates strategies for developing and disseminating educational and programmatic information to health professionals, consumers, and other government agencies.

Directs the Center's administrative management, program planning, and policy formulation services.

(o-1-i) *Office of Management and Systems (HFW11)*. Advises the Center's Director in regard to administrative management, planning and evaluation, and information systems.

Plans, develops, and implements Center management policies and programs concerning manpower management, financial management, personnel management, employee development, organization, management analysis, and general office services support.

Develops and implements strategic and operational planning and programming strategy, and conducts operations research; develops and applies effectiveness measures to Center programs.

Designs, implements, operates, and monitors management and scientific/technical information systems in support of Center programs.

Plans, conducts, and coordinates all of the Center's committee management activities.

Coordinates requests and Center activities pertaining to the Freedom of Information Act and the Privacy Act.

Plans, conducts, and coordinates the Center's employee training activities.

Plans, conducts, and coordinates media and graphic services to support Center activities.

(o-1-ii) *Office of Health Physics (HFW12)*. Provides leadership and technical expertise to other Departmental components in applying health physics procedures and radiation protection principles to radiological emergencies and other public radiation incidents.

Conducts studies to assess or advance the practical application of radiation protection principles, and maintains liaison with national and international radiation protection organizations.

Provides a Secretariat for the coordination of radiation protection activities among Departmental components.

Provides technical services and health physics advice to the Center and other Departmental components.

Performs radiation dosimetry studies that contribute to the advancement of radiation protection science.

(o-2) *Office of Radiological Health (HFWA)*. Conducts an electronic product radiation control program, including the development and administration of performance standards.

Plans, coordinates, and evaluates surveillance and compliance programs relating to radiation exposure.

Assesses the human health effects of radiation, with particular emphasis on emissions from electronic products.

Develops criteria, recommendations, and standards relative to radiation use and exposure. Develops and promotes improved procedures, techniques, and users' qualifications for reducing unnecessary radiation exposure.

Participates in the development of model codes and recommendations for guidance of industry and national, State, and local radiation-control and standard-setting agencies in order to optimize radiation control practices.

(o-2-i) *Office of the Director (HFWA1)*. Provides leadership, direction, evaluation, and coordination of the Office's programs and activities.

Provides advice to the Center's Director on medical, dental, and scientific affairs that have an impact on policy, direction, and program goals relating to radiological health.

Serves as the coordinating and consulting point for Agencywide consumer safety statistical information.

Provides advice to the Center's Director on policies and programs related to the development of automated technology and its application to clinical radiology facilities.

(o-2-ii) *Division of Risk Assessment (HFWAB)*. Assesses the human health effects of radiation, with special emphasis on emissions from electronic products.

Collects, reviews, maintains, and disseminates up-to-date scientific information relevant to radiation-induced health effects.

Stimulates needed research and promotes the dissemination of risk information through interaction with national and international organizations.

Conducts research as appropriate to the needs of the Office. Identifies human health effects from exposure to radiation. Determines the extent of the risks from radiation exposure conditions.

(o-2-iii) *Division of Compliance (HFWAC)*. Advises the Office's Director and other FDA officials on legal, administrative, and regulatory problems



and administrative policies concerning FDA's regulatory responsibilities relating to radiological health.

Develops plans, and evaluates, in cooperation with other Agency components, surveillance and compliance programs covering radiation-emitting products and materials, issues approved programs, and coordinates the establishment of priorities for compliance activities involved in such programs.

Conducts tests and inspections, when necessary, for regulatory purposes and evaluates industry quality control and testing programs to assure compliance with regulations.

Directs, designs, and monitors Office studies to develop facts necessary to support regulatory action on radiation-emitting products and materials.

Develops or assists and provides coordination for the development of proposed criteria, standards, and related regulations for protecting the public health from injurious radiation.

Provides assistance to FDA's field offices in the handling of legal actions and provides Headquarters support for case development, coordination, and contested case assistance.

Develops proposals for new or revised regulatory policy, serves as the Office's liaison point for regulatory affairs, and develops and recommends standards and other regulations for publication in the *Federal Register*.

Coordinates Office programs and participates in industry programs leading to the development of voluntary electronic product standards; provides interpretations and guidance designed to improve compliance by industry.

(o-2-iv) *Division of Electronic Products (HFWAA)*. Studies and evaluates emissions of, and conditions of exposure to, electromagnetic radiation, particles, magnetic fields, and acoustics emitted from electronic products or radioactive materials.

Conducts or supports research, development, tests, training, and inspections to evaluate, control, and minimize radiation emissions.

Develops, tests, and evaluates effectiveness of procedures, devices, and components in minimizing radiation exposure.

Develops physical criteria and recommends performance standards and regulations to control radiation emissions from electronic products.

(o-2-v) *Division of Training and Medical Applications (HFWAD)*. Plans and conducts a nationwide program to reduce unnecessary exposure resulting from the use of radiation in the healing arts.

Identifies specific problems in medical radiation exposure through field surveillance; designs corrective action programs to reduce exposure; if appropriate, implements these programs on a national scale through education of users and consumers and setting proficiency standards and guidelines for regulation of medical radiation practice; evaluates the impact of these programs on radiation reduction.

Provides continuing education and other training services to FDA, other Federal agencies with radiation protection responsibilities, and State and local radiation control programs.

Plans and conducts research and use control programs to assure the safe and effective use of radioactive materials in medicine, industry, and consumer products.

Plans, initiates, and coordinates all Office activities related to staff development and upward mobility.

(o-3) *Office of Medical Devices (HFWB)*. Reviews and evaluates medical device premarket approval applications (PMA's), product development protocols (PDP's), and exemption requests for investigational devices (IDE's).

Evaluates the safety, effectiveness, and labeling of medical devices and recommends their classification into regulatory categories.

Develops or coordinates the development, promulgation, and enforcement of performance standards for appropriate categories of medical devices and develops, promulgates, and enforces Good Manufacturing Practice (GMP) regulations for manufacturers.

Develops, plans, and evaluates FDA surveillance and compliance programs for medical devices.

Provides technical and other nonfinancial assistance to small manufacturers of medical devices.

Provides assistance to FDA's field offices in the handling of legal actions and provides headquarters support for case development, coordination, and contested case assistance.

Plans, conducts, and coordinates research and testing activities relating to medical devices.

Collects and evaluates data on significant hazards to the public health which may be caused by medical devices.

Develops and coordinates an Agencywide system for the collection of medical data from hospitals, clinics, and other reporting units.

Develops and disseminates medical device educational materials.

(o-3-i) *Office of the Director (HFWB1)*. Provides leadership,

direction, evaluation, and coordination of the Office's programs and activities.

Provides advice to the Center's Director on medical/scientific affairs that have an impact on policy, direction, and program goals relating to medical devices.

Provides advice to the Center's Director on medical device compliance, standard-related, and evaluation activities.

Provides advice to the Center's Director on the effect of regulations and policies on small manufacturers of medical devices.

(o-3-ia) *Office of Small Manufacturers Assistance (HFWB11)*. Plans, develops, coordinates, and directs a program to provide technical and other nonfinancial assistance to small manufacturers of medical devices and promotes understanding of and compliance with medical device laws and regulations.

Serves as a central coordinating point to assist small manufacturers of medical devices in contacting appropriate Agency and Center components, as well as other Federal and State agencies.

Identifies program information needs of small manufacturers of medical devices; develops and conducts communication and education programs for small manufacturers of medical devices, in conjunction with other Agency components.

Advises the Director and the Center on the effects that proposed and existing regulations may have on small manufacturers. Suggests changes to ameliorate undue adverse effects.

Presents and explains relevant Center activities, plans, policies, and decisions to small manufacturers and their trade and professional associations.

(o-3-ii) *Division of Cardiovascular Devices (HFWBA)*. Performs and coordinates the evaluation of premarket approval applications (PMA's) and product development protocols (PDP's) with regard to cardiovascular medical devices and recommends approval or disapproval.

Evaluates summaries and recommendations submitted by medical device advisory panels and recommends concurrence or nonconcurrence.

Provides executive secretarial and other technical services to medical device advisory panels.

Reviews requests for exemptions for devices for investigational use (IDE's) with respect to conformance with established regulations.

Establishes advisory panels, prepares Federal Register calls for nomination of panel members, participates in the



selection of panel members, and organizes panel meetings.

Advises the advisory panels in the establishment and review of guidelines for PDP's.

Conducts a continuing review, surveillance, and medical evaluation of the labeling, clinical experience, and required reports submitted by holders of approved PMAA's and notices of completion of PDP's.

Evaluates adequacy of directions for use and warnings in proposed labeling related to PDP's, PMAA's, and IDE's.

Coordinates laboratory review, testing, and demonstration of safety and effectiveness aspects of PMAA's, PDP's, and IDE's.

Makes recommendations to the Office of the Director concerning withdrawal of approval of approved PMAA's, notices of completion of PDP's, and IDE's.

Reviews exemption requests for custom devices and recommends approval or disapproval.

Reviews and prepares responses to premarket notifications, reclassification petitions, and classification status requests.

Monitors extramural contracts in support of safety and effectiveness studies of medical devices.

Evaluates, in conjunction with the Division of Compliance Programs, manufacturing and laboratory methods, facilities, and controls exercised in firms producing new devices relative to PMAA's, PDP's, IDE's, and other special cases.

Develops and establishes policies and regulations with regard to PMAA's, PDP's, and IDE's.

Provides advice and serves as the primary source of information within FDA on cardiovascular devices with regard to the status of device applications, existing policy decisions, proposed regulatory actions, and the state of product development.

(o-3-iii) *Division of Gastroenterology/Urology and General Use Devices (HFWBB)*. Performs and coordinates the evaluation of premarket approval applications (PMAA's) and product development protocols (PDP's) with regard to gastroenterology/urology and general use devices and recommends approval or disapproval.

Evaluates summaries and recommendations submitted by medical device advisory panels and recommends concurrence or nonconcurrence.

Provides executive secretarial and other technical services to medical device advisory panels.

Reviews requests for exemptions for devices for investigational use (IDE's) with respect to conformance with established regulations.

Establishes advisory panels, prepares Federal Register calls for nomination of panel members, participates in the selection of panel members, and organizes panel meetings.

Advises the advisory panels in the establishment and review of guidelines for PDP's.

Conducts a continuing review, surveillance, and medical evaluation of the labeling, clinical experience, and required reports submitted by holders of approved PMAA's and notices of completion of PDP's.

Evaluates adequacy of directions for use and warnings in proposed labeling related to PDP's, PMAA's, and IDE's.

Coordinates laboratory review, testing, and demonstration of safety and effectiveness of PMAA's, PDP's, and IDE's.

Makes recommendations to the Office of the Director concerning withdrawal of approval of approved PMAA's, notices of completion of PDP's, and IDE's.

Reviews exemption requests for custom devices and recommends approval or disapproval.

Reviews and prepares responses to premarket notifications, reclassification petitions, and classification status requests.

Monitors extramural contracts in support of safety and effectiveness studies of medical devices.

Evaluates, in conjunction with the Division of Compliance Programs, manufacturing and laboratory methods, facilities, and controls exercised in firms producing new devices relative to PMAA's, PDP's, and IDE's, and other special cases.

Develops and establishes policies and regulations with regard to PMAA's, PDP's, and IDE's.

Provides advice and serves as the primary source of information within FDA on gastroenterology/urology and general use devices with regard to the status of device applications, existing policy decisions, proposed regulatory actions, and the state of product development.

(o-3-iv) *Division of Anesthesiology and Neurology Devices (HFWBC)*. Performs and coordinates the evaluation of premarket approval applications (PMAA's) and product development protocols (PDP's) with regard to anesthesiology and neurology medical devices and recommends approval or disapproval.

Evaluates summaries and recommendations submitted by medical device advisory panels and recommends concurrence or nonconcurrence.

Provides executive secretarial and other technical services to medical device advisory panels.

Reviews requests for exemptions for devices for investigational use (IDE's) with respect to conformance with established regulations.

Establishes advisory panels, prepares Federal Register calls for nomination of panel members, participates in the selection of panel members, and organizes panel meetings.

Advises the advisory panels in the establishment and review of guidelines for PDP's.

Conducts a continuing review, surveillance, and medical evaluation of the labeling, clinical experience, and required reports submitted by holders of approved PMAA's and notices of completion of PDP's.

Evaluates adequacy of directions for use and warnings in proposed labeling related to PDP's, PMAA's, and IDE's.

Coordinates laboratory review, testing, and demonstration of safety and effectiveness aspects of PMAA's, PDP's, and IDE's.

Makes recommendations to the Office of the Director concerning withdrawal of approval of approved PMAA's, notices of completion of PDP's, and IDE's.

Reviews exemption requests for custom devices and recommends approval or disapproval.

Reviews and prepares responses to premarket notifications, reclassification petitions, and classification status requests.

Monitors extramural contracts in support of safety and effectiveness studies of medical devices.

Evaluates, in conjunction with the Division of Compliance Programs, manufacturing and laboratory methods, facilities, and controls exercised in firms producing new devices relative to PMAA's, PDP's, IDE's, and other special cases.

Develops and establishes policies and regulations with regard to PMAA's, PDP's, and IDE's.

Provides advice and serves as the primary source of information within FDA on anesthesiology and neurology devices with regard to the status of device applications, existing policy decisions, proposed regulatory actions, and the state product development.

(o-3-v) *Division of Obstetrics/Gynecology Devices (HFWBD)*. Performs and coordinates the evaluation of premarket approval applications (PMAA's) and product development protocols (PDP's) with regard to obstetrics/gynecology medical devices and recommends approval or disapproval.

Evaluates summaries and recommendations submitted by medical



device advisory panels and recommends concurrence or nonconcurrence.

Provides executive secretarial and other technical services to medical device advisory panels.

Reviews requests for exemptions for devices for investigational use (IDE's) with respect to conformance with established regulations.

Establishes advisory panels, prepares Federal Register calls for nomination of panel members, participates in the selection of panel members, and organizes panel meetings.

Advises the advisory panels in the establishment and review of guidelines for PDP's.

Conducts a continuing review, surveillance, and medical evaluation of the labeling, clinical experience, and required reports submitted by holders of approved PMAA's and notices of completion of PDP's.

Evaluates adequacy of directions for use and warnings in proposed labeling related to PDP's, PMAA's, and IDE's.

Coordinates laboratory review, testing, and demonstration of safety and effectiveness aspects of PMAA's, PDP's, and IDE's.

Makes recommendations to the Office of the Director concerning withdrawal of approval of approved PMAA's, notices of completion of PDP's, and IDE's.

Reviews exemption requests for custom devices and recommends approval or disapproval.

Reviews and prepares responses to premarket notifications, reclassification petitions, and classification status requests.

Monitors extramural contracts in support of safety and effectiveness studies of medical devices.

Evaluates, in conjunction with the Division of Compliance Programs, manufacturing and laboratory methods, facilities, and controls exercised in firms producing new devices relative to PMAA's, PDP's, IDE's, and other special cases.

Develops and establishes policies and regulations with regard to PMAA's, PDP's, and IDE's.

Provides advice and serves as the primary source of information within FDA on obstetrics/gynecology devices with regard to the status of device applications, existing policy decisions, proposed regulatory actions, and the state of product development.

(o-3-vi) *Division of Surgical and Rehabilitation Devices (HFWBE)*. Performs and coordinates the evaluation of premarket approval applications (PMAA's) and product development protocols (PDP's) with regard to surgical and rehabilitation medical devices and recommends approval or disapproval.

Evaluates summaries and recommendations submitted by medical device advisory panels and recommends concurrence or nonconcurrence.

Provides executive secretarial and other technical services to medical device advisory panels.

Reviews requests for exemptions for devices for investigational use (IDE's) with respect to conformance with established regulations.

Establishes advisory panels, prepares Federal Register calls for nomination of panel members, participates in the selection of panel members, and organizes panel meetings.

Advises the advisory panels in the establishment and review of guidelines of PDP's.

Conducts a continuing review, surveillance, and medical evaluation of the labeling, clinical experience, and required reports submitted by holders of approved PMAA's and notices of completion of PDP's.

Evaluates adequacy of directions for use and warnings in proposed labeling related to PDP's, PMAA's, and IDE's.

Coordinates laboratory review, testing, and demonstration of safety and effectiveness aspects of PMAA's, PDP's, and IDE's.

Makes recommendations to the Office of the Director concerning withdrawal of approval of approved PMAA's, notices of completion of PDP's, and IDE's.

Reviews exemption requests for custom devices and recommends approval or disapproval.

Monitors extramural contracts in support of safety and effectiveness studies of medical devices.

Evaluates, in conjunction with the Division of Compliance Programs, manufacturing and laboratory methods, facilities, and controls exercised in firms producing new devices relative to PMAA's, PDP's, IDE's and other special cases.

Develops and establishes policies and regulations with regard to PMAA's, PDP's, and IDE's.

Provides advice and serves as the primary source of information within FDA on surgical and rehabilitation devices with regard to the status of device applications existing policies decisions, proposed regulatory actions, and the state of product development.

(o-3-vii) *Division of Clinical Laboratory Devices (HFWBG)*. Performs and coordinates the evaluation of premarket approval applications (PMAA's) and product development protocols (PDP's) with regard to clinical laboratory medical devices and recommends approval or disapproval.

Evaluates summaries and recommendations submitted by medical

device advisory panels and recommends concurrence or nonconcurrence.

Provides executive secretarial and other technical services to medical device advisory panels.

Reviews requests for exemptions for devices for investigational use (IDE's) with respect to conformance with established regulations.

Establishes advisory panels, prepares Federal Register calls for nomination of panel members, participates in the selection of panel members, and organizes panel meetings.

Advises the advisory panels in the establishment and review of guidelines for PDP's.

Conducts a continuing review, surveillance, and medical evaluation of the labeling, clinical experience, and required reports submitted by holders of approved PMAA's and notices of completion of PDP's.

Evaluates adequacy of directions for use and warnings in proposed labeling related to PDP's, PMAA's, and IDE's.

Coordinates laboratory review, testing, and demonstration of safety and effectiveness aspects of PMAA's, PDP's, and IDE's.

Makes recommendations to the Office of the Director concerning withdrawal of approval of approved PMAA's, notices of completion of PDP's, and IDE's.

Reviews exemption requests for custom devices and recommends approval or disapproval.

Reviews and prepares responses to premarket notifications, reclassification petitions, and classification status requests.

Monitors extramural contracts in support of safety and effectiveness studies of medical devices.

Evaluates, in conjunction with the division of Compliance Programs, manufacturing and laboratory methods, facilities, and controls exercised in firms producing new devices relative to PMAA's, PDP's, IDE's, and other special cases.

Develops and establishes policies and regulations with regard to PMAA's, PDP's, and IDE's.

Provides advice and serves as the primary source of information within FDA on clinical laboratory devices with regard to the status of device applications, existing policy decisions, proposed regulatory actions, and the state of product development.

(o-3-viii) *Division of Ophthalmic, Ear, Nose, Throat, and Dental Devices (HFWBH)*. Performs and coordinates the evaluation of premarket approval applications (PMAA's) and product development protocols (PDP's) with regard to ophthalmic, ear, nose, throat,



and dental medical devices and recommends approval or disapproval.

Evaluates summaries and recommendations submitted by medical device advisory panels and recommends concurrence or nonconcurrence.

Provides executive secretarial and other technical services for medical device advisory panels.

Reviews requests for exemptions for devices for investigational use (IDE's) with respect to conformance with established regulations and recommends approval or disapproval.

Establishes advisory panels, prepares Federal Register calls for nomination of panel members, participates in the selection of panel members, and organizes panel meetings.

Advises the advisory panels in the establishment and review of guidelines for PDP's.

Conducts a continuing review, surveillance, and medical evaluation of the labeling, clinical experience, and required reports submitted by holders of approved PMAA's and notices of completion of PDP's.

Evaluates adequacy of directions for use and warnings in proposed labeling related to PDP's, PMAA's, and IDE's.

Coordinates laboratory review, testing, and demonstration of safety and effectiveness aspects of PMAA's, PDP's, and IDE's.

Makes recommendations to the Office of the Director concerning withdrawal of approval of approved PMAA's, notice of completion of PDP's, and IDE's.

Reviews exemption requests for custom devices and recommends approval or disapproval.

Reviews and prepares responses to premarket notifications, reclassification petitions, and classification status requests.

Monitors extramural contracts in support of safety and effectiveness studies of medical devices.

Evaluates, in conjunction with the Division of Compliance Programs, manufacturing and laboratory methods, facilities, and controls exercised in firms producing new devices relative to PMAA's, PDP's, IDE's, and other special cases.

Develops and establishes policies and regulations with regard to PMAA's, PDP's, and IDE's.

Provides advice and serves as the primary source of information within FDA on ophthalmic, ear, nose, throat, and dental devices with regard to the status of device applications, existing policy decisions, proposed regulatory actions, and the state of product development.

(o-3-ix) *Division of General Medical Device Standards (HFWBK)*. Initiates,

directs, coordinates, and performs the standards development process for general medical devices.

Receives, reviews, and recommends selection or rejection of general medical device standards proposed for adoption and offers to develop general medical device standards.

Develops and implements programs to encourage the participation of outside organizations and other Federal agencies in the development and adoption of general medical device standards and other related activities.

Develops general medical device standards, as necessary.

Develops, reviews, and evaluates general medical device standards test methods.

Plans, designs, evaluates, and monitors extramural contract activities dealing with the development of general medical device standards.

Initiates the approval and publication of general medical device standards.

Provides executive secretarial services and other technical support to any medical device standards advisory panels that may be established, as required by statute.

Identifies the need to, or reviews proposals to, amend or revoke promulgated general medical device standards.

Plans, designs, monitors, and evaluates general medical device research contracts, interagency agreements, and grants.

Plans, develops, and implements audit policy and field inspection programs to ensure compliance with promulgated standards.

Evaluates Class II medical device reclassification requests.

Recommends priorities for general medical device standards development activities based on the findings of the advisory panels and other pertinent factors.

Plans, designs, and develops general medical device labeling criteria, in conjunction with other Office components.

(o-3-x) *Division of In Vitro Diagnostic Device Standards (HFWB)*. Initiates, directs, coordinates, and performs the standards development process of *in vitro* diagnostic products.

Receives, reviews, and recommends selection or rejection of *in vitro* diagnostic device standards proposed for adoption and offers to develop *in vitro* diagnostic device standards.

Develops and implements programs to encourage the participation of outside organizations and other Federal agencies in the development and adoption of *in vitro* diagnostic device standards and other related activities.

Develops *in vitro* diagnostic device standards, as necessary.

Develops, reviews, and evaluates *in vitro* diagnostic device standards test methods.

Plans, designs, evaluates, and monitors extramural contract activities dealing with the development of *in vitro* diagnostic device standards.

Initiates the approval and publication of *in vitro* diagnostic device standards.

Provides executive secretarial services and other technical support to any medical device standards advisory panels that may be established, as required by statute.

Identifies the need to, or reviews proposals to, amend or revoke promulgated *in vitro* diagnostic device standards.

Plans, designs, monitors, and evaluates *in vitro* diagnostic device research contracts, interagency agreements, and grants.

Plans, develops, and implements audit policy and field inspection programs to ensure compliance with promulgated standards.

Evaluates Class II *in vitro* diagnostic device reclassification requests.

Recommends priorities for *in vitro* diagnostic device standards development activities based on the findings of the advisory panels and other pertinent factors as appropriate.

Plans, designs, and develops *in vitro* diagnostic device labeling criteria in conjunction with other Office components.

(o-3-xi) *Division of Compliance Programs (HFWBL)*. Identifies compliance program needs, develops and issues surveillance and compliance programs relating to the device industry, and coordinates the establishment of priorities for compliance activities pertinent to these programs.

Plans and develops appraisal systems for each compliance program and evaluates the effectiveness of overall compliance programs. Revises existing programs as necessary to maintain their effectiveness.

Develops, reviews, coordinates, and conducts studies to measure compliance by the medical device industry with medical device laws and regulations.

Develops, implements, and monitors the medical device field work plan in coordination with the Executive Director of Regional Operations (EDRO).

Identifies and recommends research projects relative to monitoring and compliance techniques.

Develops, implements, and evaluates information programs directed at the medical device industry, trade associations, and other groups for the



purpose of promoting voluntary compliance.

Develops, coordinates, reviews, and revises medical device Good Manufacturing Practices (GMP) regulations. Develops and implements programs to assure uniform interpretation and application of GMP's.

Provides executives secretarial services to the medical device GMP advisory committee.

Develops, coordinates, and conducts medical device training programs for field personnel in coordination with EDRO.

Provides assistance and guidance to State and local agencies in coordination with the Division of Federal-State Relations, EDRO, for the development and implementation of training, educational, and regulatory programs for State and local personnel.

Coordinates Office bio-research monitoring activities with respect to field programs and assignments in conjunction with appropriate Office components.

(o-3-xii) *Division of Compliance Operations (HFWBM)*. Provides support and guidance to FDA's field offices in the handling of legal actions relating to medical devices.

Provides Headquarters support for case development, coordination, and contested case assistance.

Reviews and recommends legal actions in cases requiring Headquarters coordination.

Provides Headquarters support for activities associated with recalls and notifications.

Manages and coordinates activities associated with regulatory actions, including information and regulatory letters, seizures, repair, replace, and refund requirements, banning actions, and domestic or import detentions.

Establishes and maintains a precedent correspondence and regulatory policy file and assures Agencywide dissemination of policy decisions through existing mechanisms, including guidelines and compliance policy guides.

Coordinates Office responsibilities for the Federal Government Medical Device Quality Assurance Program with the Executive Director of Regional Operations (EDRO) and FDA's field offices.

Develops advisory opinions and guidance resulting from specific requests from the medical device industry, trade associations, and other Federal agencies.

Monitors and evaluates restricted medical device promotional material and advertisements.

(o-3-xiii) *Division of Product Surveillance (HFWBN)*. Develops and operates a medical device registration and product listing system.

Maintains liaison with FDA components, other agencies, and industry regarding use of medical device listing and establishment data and for coordination on actions and issues of mutual concern.

Establishes and maintains procedures for the processing and evaluation of experience reports submitted by the medical device industry.

Initiates special field investigations and provides regulatory guidance to industry with regard to policies, procedures, and criteria for submissions relating to medical device establishment registration, listing, and mandatory experience reporting regulation, in coordination with the Division of Compliance Operations.

Develops and monitors contracts and interagency agreements to acquire medical device experience data.

Plans, develops, and operates a medical device experience monitoring network utilizing FDA's field offices and other information sources within and outside FDA. Provides data to Agency components and to others.

Receives, controls, tracks, and provides for automated storage of all medical device experience and related product problem information.

Provides product experience technical liaison and defines common information requirements with the National Electronic Injury Surveillance System (Consumer Product Safety Commission).

Provides product experience data analysis services to requesting FDA organizational units and communicates Agencywide information requirements to participating medical device sources.

*Prior Delegations of Authority.* Pending further delegations, directives, or orders by the Commissioner of Food and Drugs, all delegations of authority to the Director of the Bureau of Radiological Health and the Director of the Bureau of Medical Devices are vested in the Director of the National Center for Devices and Radiological Health and all delegations to any other officer or employee of the merged bureaus in effect prior to the date of this order shall continue in effect in them or their successors.

Dated: September 29, 1982.

Richard S. Schweiker,  
Secretary.

[FR Doc. 82-27427 Filed 10-7-82; 8:45 am]

BILLING CODE 4160-01-M

## Food and Drug Administration; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685-92, February 25, 1970, as amended in pertinent part at 45 FR 67776-77, October 14, 1980) is amended to reflect the abolishment of the Office of Policy Coordination, Office of the Commissioner and the establishment of an Executive Secretariat in the immediate Office of the Commissioner.

The Executive Secretariat will provide policy coordination and will monitor and track certain issues and correspondence with the Public Health Service and the Department.

*Section HF-B, Organization and Functions*, is amended:

1. By adding a new subparagraph (a-1) reading as follows: (a-1) *Executive Secretariat (HFA-D)*. Monitors policy formulation throughout the agency.

Expedites for the Commissioner the resolution of policy issues involving more than one component of the agency.

Manages for the agency the management systems used to track particular agency initiatives of specific interest to the Public Health Service (PHS) and the Department.

Provides correspondence control for the Commissioner, provides central control for and processes all agency public correspondence directed to the Commissioner.

Develops and operates tracking systems designed to resolve early warning and bottleneck problems with executive correspondence. Tracks *Federal Register* and other executive communication documents relative to the Commissioner.

Provides meeting management support for meetings involving the Commissioner and Deputy Commissioner to assure coordination.

Notifies respective agency staff of the decisions and assignments made by the Commissioner and Deputy Commissioner, reviews and coordinates the response of all Commissioner's communications and concurrences, and secures background data and revisions from appropriate agency components.

Coordinates the agency's communications with PHS and HHS.

Provides Executive Secretarial support for the Immediate Office of the Commissioner, including the maintenance and control of the Commissioner's working files.



Reviews Commissioner's correspondence for policy issues, and monitors testimony and speeches for policy implications.

Develops and maintains management information necessary for monitoring the Commissioner's and agency's goals and priorities.

Prepares speeches for the Commissioner and Deputy Commissioner, including drafting of texts, coordinating the preparation of all or parts of texts drafted by other offices, obtains appropriate Agency clearances, and prepares final texts for delivery. Coordinates speaking engagement schedules for the Commissioner and Deputy Commissioner.

2. By deleting paragraph (e) Office of Policy Coordination in its entirety and reserving it for further use:

(e) Reserved

Dated: September 29, 1982.

Richard S. Schweiker,  
Secretary.

[FR Doc. 82-27426 Filed 10-7-82; 8:45 am]

BILLING CODE 4160-01-M

## Office of the Secretary

### Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on October 1.

#### Public Health Service

##### Health Resources and Services Administration

Subject: Recordkeeping Requirements

Associated with the Student Loan Financial Aid Transcript—New

Respondents: Educational institutions

Subject: Other Reasonable Educational

Expense Data Collection Worksheet (HRA-272) (0915-0029)—Extension

Respondents: Educational institutions

OMB Desk Officer: Richard Eisinger

#### Social Security Administration

Subject: Beneficiary Information Report for Mentally Ill Beneficiaries for Whom State Mental Health

Institutions Act as Representative

Payees (SSA-9585)—Revision

Respondents: Businesses or other institutions

Subject: State Mental Institutions

Representative Payee Policy Review (SSA-9584 BK (8-82))—Revision

Respondents: Businesses or other institutions

Subject: Application for Parent's Social Security Insurance Benefits (SSA-7-F6 (1-83))—Revision

Respondents: Individuals or households

Subject: Request for Financial Data from States which Administer Their Own SSI Supplementary Payments Programs—Extension

Respondents: State or local governments

Subject: Application for Widow's or Widower's Social Security Insurance Benefits (SSA-10-BK (1-83))—Revision

Respondents: Individuals or households

Subject: Application for Child's Social Security Insurance Benefits (SSA-4-BK (1-83))—Revision

Respondents: Individuals or households  
OMB Desk Officer: Milo Sunderhauf.

#### Office of Human Development Services

Subject: Annual State WIN Plans—New

Respondents: State WIN programs

OMB Desk Officer: Milo Sunderhauf

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

J. J. Strnad, HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524-F, Washington, D.C. 20201  
OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503. Attn: (name of OMB Desk Officer).

Dated: October 1, 1982.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 82-27580 Filed 10-7-82; 8:45 am]

BILLING CODE 4150-04-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### Alabama; Meeting of Southern Appalachian Regional Coal Team

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting notice.

SUMMARY: Pursuant to the responsibilities set forth in 43 CFR Part 3400, the Regional Coal Team for the

Southern Appalachian Federal Coal Production Region, Alabama Subregion, will meet on November 9, 1982, to develop leasing level alternatives and ranking factors for the second round of regional coal leasing in Alabama. In addition, Minerals Management Service (MMS) will brief the Regional Coal Team on the overall tonnage and characters of the second-round tracts that will have been delineated by that date.

Public attendance at this meeting is welcome, and time will be provided for public comment.

DATE: The Southern Appalachian Regional Coal Team meeting will begin at 10:00 a.m. on Tuesday, November 9, 1982.

ADDRESS: The meeting will be held in Meeting Room A of the Birmingham Airport Hotel, Municipal Airport (P.O. Box 2982), Birmingham, Alabama 35212; (205) 592-0061.

#### FOR FURTHER INFORMATION CONTACT:

Jeffrey R. Williams, Chief, Branch of Energy and Minerals, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, (703) 235-3630; or Robert Todd, Manager, Tuscaloosa Office, Bureau of Land Management, 518 19th Avenue, Tuscaloosa, Alabama 35405, (205) 759-5441.

Pieter J. Van Zanden,

Acting Eastern States Director.

[FR Doc. 82-27723 Filed 10-7-82; 8:45 am]

BILLING CODE 4310-84-M

[Nev-065360]

### Nevada; Proposed Continuation of Withdrawal

In accordance with the provisions of Section 204 of the Federal Land Policy and Management Act, the Bureau of Land Management (BLM) is reviewing possible continuation of an existing protective withdrawal made by Public Land Order 3530 of January 29, 1965. The following land is included in the proposed continuation:

Mount Diablo Meridian, Nevada

T. 14 N., R. 67 E.,  
sec. 33, SW  $\frac{1}{4}$ SW  $\frac{1}{4}$ .

T. 21 S., R. 58 E.  
sec. 17, N  $\frac{1}{2}$ NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ NW  $\frac{1}{4}$ , N  $\frac{1}{2}$ SW  $\frac{1}{4}$   
NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ SE  $\frac{1}{4}$ NW  $\frac{1}{4}$ .

The described area contains 190 acres in Clark and White Pine Counties, Nevada.

The Bureau proposed continuation of the withdrawal on the above described land for a period of 20 years. The purpose of the withdrawal is to protect the land for its unique botanical,



geographical or zoological characteristics. The withdrawal closed the described lands to all forms of appropriation under the public land laws, including the mining laws, but not to leasing under the mineral leasing laws. No change in the segregative effect or use of the land would be effected by the continuation.

Notice is hereby given that a public hearing may be afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned within 90 days of the publication of this notice. Upon a determination by the State Director, Bureau of Land Management, that a public hearing should be held, a notice will be published in the *Federal Register* giving the time and place of such hearing. Public hearings will be scheduled and conducted in accordance with BLM Manual 2351.16B. Additionally, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned authorized officer of the BLM within 90 days of the date of publication of this notice.

The authorized officer of the BLM will undertake such investigations as are necessary and prepare a report for consideration by the Office of the Secretary of the Interior. The final determination on the continuation of the withdrawal will be published in the *Federal Register*. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520.

Wm. J. Malencik,  
Division of Operations.  
September 30, 1982.

[FR Doc. 82-27752 Filed 10-07-82; 8:45 am]

BILLING CODE 4310-84-M

#### Minerals Management Service

##### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a Development

and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4481, Block 77, Main Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m. 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 28, 1982.

John L. Rankin,  
Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-27751 Filed 10-7-82; 8:45 am]

BILLING CODE 4310-31-M

#### National Park Service

##### Indiana Dunes National Lakeshore Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 1 p.m., CDT, on Friday, October 29, 1982, at the Indiana Dunes National Lakeshore Visitor Center at U.S. Highway 12 and Kemil Road, Chesterton, Indiana.

The Commission was established by the Act of November 5, 1966, 80 Stat. 1309, 16 U.S.C. 460u-7, as amended by the Act of October 18, 1976, 90 Stat. 2530, 2533, to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. John R. Schnurlein (Chairperson)  
Mr. Ronald Benz  
Ms. Anna R. Carlson  
Mr. R. M. Gacki  
Mr. James Holland  
Ms. Lynne Kaser  
Mr. James H. Lahey  
Mr. William L. Lieber  
Ms. Celia Nealon  
Ms. Gail Pugh Harris  
Dr. John A. Rackauskas  
Mr. John Tucker  
Mr. Norman E. Tufford

Matter to be discussed at this meeting include:

1. Chairman's Quarterly Report.
2. Status of land acquisition.
3. Quarterly Status Report of planning and development for Indiana Dunes National Lakeshore.
4. Quarterly Status Report of 1982 operations.

The meeting will be open to the public. Any member of the public may file with the Commission prior to the meeting a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, 1100 North Mineral Springs Road, Porter, Indiana 46304, telephone 219-926-7561.

Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the office of the Indiana Dunes National Lakeshore, located at 1100 North Mineral Springs Road, Porter, Indiana.

Dated: September 28, 1982.

J. L. Dunning,  
Regional Director, Midwest Region.

[FR Doc. 82-27784 Filed 10-7-82; 8:45 am]

BILLING CODE 4310-70-M

##### Martin Luther King, Jr., National Historic Site; Meeting

Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Martin Luther King, Jr., National Historic Site Advisory Commission will be held at 10:00 a.m. on Thursday, October 28, 1982, at the Richard B. Russell Federal Building, Room 1178, 75 Spring Street, SW., Atlanta, Georgia 30303.

The purpose of the Martin Luther King, Jr., National Historic Site Advisory Commission is to consult and advise with the Secretary of the Interior on matters of planning, development and administration of the Martin Luther King, Jr., National Historic Site. This will



be a very brief meeting to hear reports from the resource protection and advisory commission study subcommittees on important issues raised in the September meeting of the Commission and to make recommendations with regard to those issues.

The members of the Advisory Commission are as follows:

Mr. William Allison, Chairman  
Mr. John H. Calhoun, Jr.  
Dr. Elizabeth A. Lyon  
Mr. Randy C. Humphery  
Mrs. Willie Christine King Farris  
Mr. Handy Johnson, Jr.  
Mr. Howard H. Arnold III  
Mrs. Freddy Scarborough Henderson  
Mrs. Millicent Dobbs Jordan  
Mr. John W. Cox  
Reverend Joseph L. Roberts, Jr.  
Mrs. Coretta Scott King, Ex-Officio Member

Director, National Park Service, Ex-Officio Member

The meeting will be open to the public; however, facilities and space for accommodating members of the public are limited. Any member of the public may file with the commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting or who wish to submit written statements may contact Janet C. Wolf, Superintendent, Martin Luther King, Jr., National Historic Site, 75 Spring Street, S.W., Atlanta, Georgia 30303, Telephone 404/221-5190. Minutes of the meeting will be available approximately 4 weeks after the meeting.

Dated: September 30, 1982.

Robert M. Baker,

Regional Director, Southeast Region.

[FR Doc. 82-27782 Filed 10-7-82; 8:45 am]

BILLING CODE 4310-70-M

### Upper Delaware National Scenic and Recreational River; Meeting

**AGENCY:** National Park Service; Upper Delaware Citizens Advisory Council, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

**DATE:** October 22, 1982, 7 p.m.

**ADDRESS:** Arlington Hotel, Narrowsburg, New York.

**FOR FURTHER INFORMATION CONTACT:** John T. Hutzky, Superintendent, Upper Delaware National Scenic and

Recreational River, Drawer C, Narrowsburg, N.Y. 12764-0159 (717/729-7135).

**SUPPLEMENTARY INFORMATION:** The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of the management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include review of Draft Management Plan.

The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council c/o Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764-0159. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware National Scenic and Recreational River, River Road, 1½ miles north of Narrowsburg, N.Y., Damascus Township, Pennsylvania.

Dated: September 30, 1982.

Don H. Castleberry,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 82-27783 Filed 10-7-82; 8:45 am]

BILLING CODE 4310-70-M

### Office of the Secretary

#### Alaska Land Use Council; Meeting

As required by the Alaska National Interest Lands Conservation Act (ANILCA), Public Law 96-487, dated December 2, 1980, section 1201, paragraph (h), the Alaska land use Council will meet at 9:00 a.m., Tuesday, November 16, 1982 at the: Governor's Conference Room, Third Floor, State Capitol Building, Juneau, Alaska.

Proposed agenda includes:

- St. George OCS Consultation
- Wild & Scenic Rivers Management Guidelines
- Trespass Policy and Enforcement
- Easement Management
- 1008 Implementation Plan
- Cooperative Planning Zones—Annual Review.

For further information contact: Alaska Land use Council, P.O. Box 120,

Anchorage, Alaska 99510, (907) 272-3422.

The public is invited to attend.

William P. Horn,

Deputy Under Secretary.

October 4, 1982.

[FR Doc. 82-27722 Filed 10-7-82; 8:45 am]

BILLING CODE 4310-10-M

### Office of Surface Mining Reclamation and Enforcement

#### Abandoned Mine Lands Reclamation Program; Kentucky

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Notice of availability of findings of no significant impact (FONSI) addressing environmental assessments (EAs) for development of two abandoned mine land projects under the Commonwealth of Kentucky's reclamation plan.

**SUMMARY:** OSM, Eastern Technical Center has prepared a FONSI based on an EA prepared by the Kentucky Department for Natural Resources and Environmental Protection, for reclamation projects developed under Title IV of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1231-1234.

A FONSI has been made on the two reclamation projects indicated below and included in the grant.

**ADDRESS:** Copies of the EAs and FONSI are available for inspection or may be obtained at the following location between the hours of 8:00 a.m. and 4:00 p.m.: Office of Surface Mining Reclamation and Enforcement, Kentucky Field Office, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504.

**FOR FURTHER INFORMATION CONTACT:** Mr. W. Hord Tipton, Director, Kentucky Field Office, (606) 253-2216 (address above).

Reclamation projects included in FONSI, location and description:

1. Hunter Mines Project, Floyd County, Kentucky, Active earth slide endangering nearby residences and other buildings.
2. Spradlin Branch Project, Floyd County, Kentucky, Active earth slide endangering local residence.

Dated: October 4, 1982.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 82-27795 Filed 10-7-82; 8:45 am]

BILLING CODE 4310-05-M



**Abandoned Mine Lands Reclamation Program; Oklahoma**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (SSM), Interior.

**ACTION:** Notice of availability of findings of no significant impact (FONSI) addressing environmental assessments (EAs) for development of eight (8) abandoned mine land projects under the State of Oklahoma reclamation plan.

**SUMMARY:** OSM has adopted State-prepared EAs on projects included in the Federal Grant Application submitted by the State of Oklahoma to the Office of Surface Mining.

Four FONSI's have been prepared for the eight (8) reclamation projects indicated below and included in the grant application developed under Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1231-1234.

**ADDRESS:** Copies of the EAs and FONSI's are available for inspection or may be obtained at the following location between the hours of 8:00 a.m. and 4:00 p.m.: Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 333 West 4th Street, Room 3432, Tulsa, Oklahoma 74103.

**FOR FURTHER INFORMATION CONTACT:** Robert Markey, Director, Tulsa Field Office, (918) 581-7927. Same address as above.

Reclamation projects included in application and locations:

**Haskell County:**

- Kinta N.E. Project (surface mine highwalls)
- Keota Park East Project (surface mine highwalls)
- School Mine Project (surface mine highwalls)

**Leflore County:**

- Nubbin Ridge Project (surface mine highwalls)

**Pittsburg and Latimer Counties:**

- Milby-Dow #12 Project (underground mine open entry, subsidence)
- Drumb-Chili Project (underground mine subsidence)

**Rogers County:**

- Four Mile Creek Project (surface mine highwalls)
- Dallas Willhoite Project (surface mine highwalls)

Dated: October 4, 1982.

**J. Steven Griles,**

*Acting Director, Office of Surface Mining.*

[FR Doc. 82-27796 Filed 10-7-82; 8:45 am]

**BILLING CODE 4310-05-M**

**INTERNATIONAL DEVELOPMENT COOPERATION AGENCY****Agency for International Development****Board for International Food and Agricultural Development; Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the fifty-second meeting of the Board for International Food and Agricultural Development (BIFAD) on October 28, 1982.

The purpose of the meeting is to review the AID strategy for Middle Income Countries; review AID training programs; hear status reports on the Technical Support to Missions program, AID policy on use of host country contracts, and the proposed Cooperative Program between U.S. Research Institutions and International Agricultural Research Centers; and meet with the BIFAD Support Staff to discuss staff actions and operational procedures.

The meeting will begin at 9:00 a.m. and adjourn at 12:00 noon, and will be held in Room 1107, New State Department Building, 22nd and C Streets, N.W., Washington, D.C. The meeting with the BIFAD Support Staff will begin at 8:00 a.m. and adjourn at 8:45 a.m. This meeting will be held in Room 1406, New State Department Building, 22nd and C Streets, N.W., Washington, D.C. The meetings are open to the public. Any interested person may attend, may file written statements with the Board before or after the meetings, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meetings permit. An escort from the "C" Street Information Desk (Diplomatic Entrance) will conduct you to the meeting.

Dr. Erven J. Long, Coordinator, Title XII Strengthening Grants and University Relations, Bureau for Science and Technology, Agency for International Development, is designated as AID Advisory Committee Representative at this meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, International Development Cooperation Agency, Washington, D.C. 20523, or telephone him at (703) 235-8929.

Dated: October 4, 1982.

**C. H. Barker,**

*Deputy Coordinator for University Relations, Bureau for Science and Technology.*

[FR Doc. 82-27807 Filed 10-7-82; 8:45 am]

**BILLING CODE 6116-01-M**

**Advisory Committee on Voluntary Foreign Aid; Meeting**

Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting sponsored by the Advisory Committee on Voluntary Foreign Aid which will be held on October 12, 1982 (from 10:00 a.m. to 11:00 a.m.) in the Board Room of the Cooperative League of the U.S.A. (CLUSA), 1828 L Street, N.W., Suite 1100, Washington, D.C.

This will be an informal briefing for the PVO community by members of AID legislative staff on legislation pending before the U.S. Congress.

The meeting will be open to the public. Any interested person may attend, request to appear before, or file statements with the Advisory Committee in accordance with procedures established by the Committee. Written statements should be filed prior to the meeting and should be available in twenty copies.

There will be an AID representative at the meeting. It is suggested that those desiring further information contact Martha McCabe (202) 872-0550 or by mail c/o the Advisory Committee on Voluntary Foreign Aid, Agency for International Development, Washington, D.C. 20523.

Dated: September 30, 1982.

**Julia Chang Bloch,**

*Assistant Administrator, Bureau for Food for Peace and Voluntary Assistance.*

[FR Doc. 82-27744 Filed 10-7-82; 8:45 am]

**BILLING CODE 6116-01-M**

**INTERSTATE COMMERCE COMMISSION**

[Finance Docket No. 30010]

**Chesapeake & Ohio Railway Co., Baltimore & Ohio Railroad Co. and Western Maryland Railway Co.—Exemption Control—Baltimore & Cumberland Valley Rail Road Extension Co.**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 11343 the proposed acquisition of control by the Chesapeake and Ohio Railway Company, the Baltimore and Ohio Railroad Company, and Western Maryland Railway Company of the Baltimore and Cumberland Valley Rail Road Extension Company.



**DATES:** Exemption effective on October 29, 1982. Petitions for reconsideration of this action must be filed by October 20, 1982, and petitions for stay must be filed by October 11, 1982.

**ADDRESSES:** Send pleadings to:

- (1) Section of Finance, Room 5349, Interstate Commerce Commission, Washington, D.C. 20423
- (2) Petitioner's representative, Robert F. Hochwarth, Chesapeake and Ohio Railway Company, P.O. Box 6419, Cleveland, OH 44101

Pleadings should refer to Finance Docket No. 30010.

**FOR FURTHER INFORMATION CONTACT:**

Louis E. Gitomer (202) 275-7245.

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, contact T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 in the D.C. Metropolitan area, or toll free 800-424-5403.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-27836 Filed 10-7-82; 8:45 am]

BILLING CODE 7035-01-M

### Intent To Engage in Compensated Intercompany Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercompany hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Angus I. Hines, Inc., 1426 Holland Road, Suffolk, Virginia 23434.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

- A. Greenville Transport Company—Virginia
- B. Central Oil Corporation—Virginia
- C. Sentry Petroleum, Inc.—Virginia
- D. Service Gas Corporation—Virginia

1. Parent corporation and address of principal office: Crisis Transportation Company, 11510 Corkwood, Houston, Texas 77089.

2. Wholly-owned subsidiaries which will participate in the operations, and address of the respective offices:

- (i) U.S./World Distribution Company, 11510 Corkwood, Houston, TX 77089
- (ii) Crisis Transportation Services, 11510 Corkwood, Houston, TX 77089
- (iii) Heinke Enterprises, 11510 Corkwood, Houston, TX 77089

1. Parent corporation and address of principal offices: Emhart Corporation (a

Virginia Corporation), 426 Colt Highway, Farmington, CT 06032.

2. Wholly owned subsidiaries which will participate in the operations, and addresses of their respective principal offices:

Emhart Industries, Inc. (a Connecticut Corporation), 426 Colt Highway, Farmington, CT 06032

USM Corporation (a New Jersey Corporation), 181 Elliott Street, Beverly, MA 01915

Corbin Co. (a Delaware Corporation), 426 Colt Highway, Farmington, CT 06032

Fellows Corporation (a Delaware Corporation), Precision Park, North Springfield, VT 05150

Mailory Components Sales Corporation (a Delaware Corporation), 3029 East Washington Street, Indianapolis IN 46206

Notifier Company (a Connecticut Corporation), 560 Alaska Avenue, Torrance, CA 90503

Safe Hardware Corporation (a Pennsylvania Corporation), North Plum & Elizabeth Streets, Lancaster, PA 17601

Broadview Chemical Corporation (an Illinois Corporation) 2910 South 18th Avenue, Broadview, IL 60153

Warren Fastner Corporation (a Michigan Corporation), 26750 23 Mile Road, Mt. Clemens, MI 48043

Woodmont Products, Inc. (a Pennsylvania Corporation), County Line and New Roads, Huntingdon Valley, PA 19006

PCI Group Inc. (a Massachusetts Corporation), New Bedford, Massachusetts 02741.

1. Parent Corporation is: HNP Industries, Inc., 1400 Pidco Drive, Plymouth, Indiana 46563.

2. Wholly owned subsidiary which will participate in the operations: Marshall Lumber & Manufacturing, Inc., 700 W. Jefferson Street, Plymouth, Indiana 46563.

1. Parent corporation and address of principal office: Mack Industries, Inc., 201 Columbia Road, Valley City, Ohio 44280, Incorporated in the State of Ohio.

2. Wholly owned subsidiaries which will participate in the operations, and State(s) of incorporations:

- [i] Mack Aeration Company, Inc. incorporated in the State of Ohio,
- [ii] Midwest Ecology Services Corp., Inc. incorporated in the State of Ohio,
- [iii] Aikman Trucking Co., Inc. incorporated in the State of Ohio,
- [iv] Mack Sewage Treatment Systems, Inc. incorporated in the State of Ohio,
- [v] Mack Industries of West Virginia, Inc. incorporated in the State of West Virginia,

1. Parent corporation and address of principal office: Magic Chef, Inc., 740 King Edward Ave., Cleveland, TN 37311.

2. Wholly owned subsidiary which will participate in the operation, and State of incorporation: Dixie-Narco, Inc., P.O. Box 460, Ransom, WV 25438 (Delaware).

3. Divisions of Magic Chef, Inc.:

(a) Magic Chef Division, Anniston, AL, City of Industry, CA, and Cleveland, TN.

(b) Admiral Division, Bloomington, Galesburg, and Schaumburg, IL, and Williston, SC.

(c) Norge Division, Herrin, IL.

(d) Magic Chef Heating and Air Conditioning Division, Bellevue and Columbus, OH.

1. Parent Corporation: Sparco Holding Inc., 1375 Raff Road SW., Canton, Ohio 44710.

2. Wholly owned subsidiaries which will participate in the operation are:

*Subsidiaries and State of Incorporation*

Area Distribution Inc., Delaware  
United States Ceramic Tile, Ohio  
Metal Powder Products, Ohio  
Diamondite Manufacturing Inc., Ohio.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-27732 Filed 10-7-82; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Volume No. OP2-249]

### Motor Carriers; Republications of Grants of Operating Rights Authority Prior To Certification

The following grant of operating right authority is republished by order of the Commission to indicate a broadened grant of authority over that previously notice in the *Federal Register*.

An original and one copy of an appropriate petition for leave to intervene, setting forth in detail the precise manner in which petitioner has been prejudiced, must be filed with the Commission within 30 days after the date of this *Federal Register* notice.

By the Commission.

Agatha L. Mergenovich,  
Secretary.

MC 153442 (Sub-1) (republication), filed January 18, 1982, published in the *Federal Register* issue of February 19, 1982, and republished this issue. Applicant: TEXAS EASTERN TRANSPORT COMPANY, INC., 2500 Spence, Lufkin, TX 75901.

Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459. A decision of the Commission, *Division 1*, acting as an appellate Division, Commissioners Sterrett, Simmons, and



Gradison, decided July 15, 1982, and served July 21, 1982, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting (2) *machinery, and earth drilling commodities*, between points in Alabama, Arkansas, California, Georgia, Florida, Louisiana, Texas, Oklahoma, and New Mexico, on the one hand, and, on the other, points in the United States; that applicant is fit, willing and able properly to perform the service authorized and to conform to statutory and administrative requirements. The purpose of this republication is to clarify part (2) only.

[FR Doc. 82-27731 Filed 10-7-82; 8:45 am]

BILLING CODE 7035-01-M

### Motor Carriers; Permanent Authority Decisions; Decision-Notice

For following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the

human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

**Note.**—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

For the following, please direct status inquiries to Team 1 at 202-275-7992.

### Volume No. OP1-174

Decided: October 1, 1982.

By the Commission, Review Board No. 1, Members Parker, Fortier, and Chandler. (Member Chandler not participating.)

MC 131031 (Sub-2), filed September 20, 1982. Applicant: COM-TRAN, INC., P.O. Box 12574, North Kansas City, MO 64116. Representative: James M. Hagan (same address as applicant), (214) 324-3666. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 142810 (Sub-10), filed September 20, 1982. Applicant: LEWIS TRANSPORT, INC., P.O. Box 385, Municipal Building, Columbia, KY 42728. Representative: Rudy Yessin, 113 W. Main St., P.O. Drawer B, Frankfort, KY 40602, (502) 227-7326. Transporting *petroleum and petroleum products*, (1) between points in Lawrence, Pike, and Martin Counties, KY, and (2) between points in Mason, Kenton, and Campbell Counties, Ky. Condition: Prior to issuance of a certificate in this

proceeding, applicant must submit a written request for cancellation of the certificate issued in MC-142810 Sub 5.

MC 164001, filed September 27, 1982. Applicant: A. FRANK COWAN, d.b.a. FRANK COWAN TRUCKING, 5891 Kingston Way, Murray, UT 84107. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111, (801) 531-1300. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Advantage Meat Marketing, of Salt Lake City, UT.

### Volume OP1-176

Decided: September 29, 1982.

By the Commission, Review Board No. 1, Members Fortier, Chandler, and Parker. (member Chandler not participating.)

MC 2860 (Sub-225), filed September 10, 1982. Applicant: NATIONAL FREIGHT, INC., 71 West Park Ave., Vineland, NJ 08360. Representative: Addison Hand (same address as applicant), (609) 691-7000. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, under continuing contract(s) with Weyerhaeuser Company, of Plymouth, NC and its subsidiaries as follows: Rock Island Company, of St. Paul, MN; Weyerhaeuser Real Estate Company, of Hot Springs, AR and New Bern, NC; Babcock Company, of Coral Gables, FL; Centennial Homes, Inc., of Dallas, TX; Quill Corporation of Marlton, NJ; Scarborough Corporation, of FT. Myers, FL, Fairfax, VA, Marlton, NJ, Palm Harbor, FL, and Voorhees Township, NJ; Trendmaker Homes, Inc., of Houston, TX; Westminster Company of Charleston, SC, Columbia, Greenville, and Spartanburg, SC, and of Greensboro and Jacksonville, NC; Weyerhaeuser Mortgage Company of Coral Gables, FL, Dallas, TX, and Palos Hills, IL; and Winchester Homes, Inc., of Baltimore, MD. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343 or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 47171 (Sub-222), filed September 7, 1982. Applicant: COOPER MOTOR LINES, INC., PO Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant),



(803) 879-2101. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of wall and floor coverings, between points in the U.S. (except AK and HI), under continuing contract(s) with Orders Tile & Distributing Co., Inc., of Greenville, SC.

MC 85530 (Sub-15), filed September 16, 1982. Applicant: BLALOCK TRUCK LINE, INC., P.O. Box 734, Charleston, SC 29402. Representative: Wilmer B. Hill, Suite 366, 1030 Fifteenth St., N.W., Washington, DC 20005, 202-296-5188. Transporting (1) *such commodities* as are used in traffic control and pavement marking, and (2) *materials, equipment, and supplies* used in the manufacture, distribution and installation of the commodities in (1) above, between points in the U.S. (except AK and HI), under continuing contract(s) with Pavemark Corporation, of Smyrna, GA.

MC 135861 (Sub-104), filed September 22, 1982. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, 817-332-4718. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is withheld subject to applicant's written request for cancellation of the permits issued in No. MC-135861 Sub-Nos. 78, 92, 94, 95, 97, 98X, 99, 100, 101, 102, and 103.

MC 139380 (Sub-14), filed September 16, 1982. Applicant: STIDHAM TRUCKING, INC., P.O. Box 308, Yreka, CA 96097. Representative: O. L. Stidham, (same address as applicant), 916-842-4161. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 149311 (Sub-3), filed September 17, 1982. Applicant: RADFORD TRANS, INC., Oceana Way, Norwood, MA 02062. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, 617-235-5571. Transporting *such commodities* as are dealt in or used by manufacturers of pet food and pet supplies, between points in the U.S. under continuing contract(s) with Superior Pet Products, Inc., Boston, MA.

MC 152511 (Sub-2), filed September 8, 1982. Applicant: PATRICIA WENGLIKOWSKI d.b.a. W. RENTAL COMPANY, 5404 Hilltop Drive, Bay City, MI 48706. Representative: Mark Wenglikowski, 1311 S. Grant St., Drive, Bay City, MI 48706, 517-892-1076. Transporting (1) *general*

*commodities* (except classes A and B explosives, and household goods) between points in MI, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA, and (2) *food and related products*, between points in WI, KY, GA, NY, OH, IL, MO, TN, and PA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 157061 (Sub-3), filed September 15, 1982. Applicant: ATLAS CARRIERS, INC., Taylor St., P.O. Box 163, Searcy, AR 72143. Representative: R. Connor Wiggins, Jr., 100 North Main St., Memphis, TN 38103, 901-526-4114. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Mississippi County, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343 or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, 6358.

MC 158640 (Sub-1), filed September 24, 1982. Applicant: UNITED CARTAGE COMPANY, INC., 1001 South Fourth Street, Gas City, IN 46933. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204, 317-638-1301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. under continuing contract(s) with (a) Central States Fibre Corporation, of Shelbyville, IN, (b) J. Solotkens Waste Paper Company, of Indianapolis, IN, (c) Marion Distributing Company, of Marion, IN, (d) St. Joe Container Company, of Hartford City, IN, (e) The Weston Paper Manufacturing Company and Wabash Fibre Box Co., of Terre Haute, IN, and (f) Tri-Wall Containers, of Butler, IN.

MC 159220 (Sub-6), filed September 22, 1982. Applicant: REFRIGERATED INTERNATIONAL CARGO HAULERS, INC., 1170 Niagara St., Buffalo, NY 14240. Representative: Charles H. White, Jr., 1019 19th St., NW., Suite 800, Washington, DC 20036, 202-785-3420. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under

continuing contract(s) with S. M. Flickinger Co., of West Seneca, NY.

MC 162790, filed September 23, 1982. Applicant: HAROLD W. KELLEY d.b.a. HAROLD W. KELLEY TRUCKING, Rt. 6, Box 647, Cleveland, TN 37311. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, 615-790-2510. Transporting *machines and appliances*, between points in Hamilton County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163971, filed September 23, 1982. Applicant: HOUSEHOLD MOVING & STORAGE, INC., County Road 19, P.O. Box 1123, Aberdeen, SD 57401. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, 605-343-4036. Transporting *household goods*, between those points in the U.S. in and west of MI, IN, IL, MO, KS, OK, and TX (except AK and HI).

FF 220 (Sub-1), filed September 16, 1982. Applicant: RIVER FORWARDERS, INC., One Oliver Plaza, Pittsburg, PA 15222. Representative: William F. King, Suite 304, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312 703-750-1112. As a *freight forwarder* in connection with the transportation of *iron, steel, welding compounds, fluxes, pipe coating materials and ferro alloys*, between points in OH, PA, and WV, on the one hand, and, on the other, points on the Gulf Intracoastal Waterway and connecting waterways between New Orleans, LA, and Brownsville, TX.

W-1360, filed September 22, 1982. Applicant: CLIPPER CRUISE LINE, INC., 120 South Central Ave., St. Louis, MO 63105. Representative: Samuel H. Moerman, 1120 G Street, NW., Suite 800 Washington, DC 20005 202-628-2788. To operate as a *common carrier*, by water, transporting *passengers and their baggage*, on excursion cruises, between all ports and points along the Atlantic coast and the West Coast of FL from its southernmost tip north to and including Tampa, FL, including all connecting waterways and tributary waters between Bangor, ME, and Tampa, FL.

For the following, please direct status inquiries to Team 4 at 202-275-7669.

#### Volume No. OP4-350

Decided: October 1, 1982.

By the Commission, Review Board No. 2, members Carleton, Williams, and Ewing.

MC 101186 (Sub-25), filed September 20, 1982. Applicant: ARLEDGE TRANSFER, INC., Hwy 34 West, P.O. Box 157, Burlington, IA 52001. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, 515-282-3525. Over regular routes, transporting *general*



commodities (except classes A and B explosives, household goods, and commodities in bulk), between Covington and Memphis, TN, over U.S. Hwy 51, serving all intermediate points.

MC 136246 (Sub-53), filed September 20, 1982. Applicant: GEORGE BROS., INC., P.O. Box 492 Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114 402-397-7033. Transporting *general commodities* (except classes A and B explosives and household goods), between points in NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 156107 (Sub-1), filed September 20, 1982. Applicant: VARDAROS MOTOR LINES, INC., 510 Plaza Dr., Suite 1530H, College Park, GA 30349. Representative: Virgil H. Smith, 74 Highway N., Box 245, Tyrone, GA 30290, 404-969-1980. Transporting *paper and related products, and toilet preparations and related products*, between points in GA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159286 (Sub-1), filed September 20, 1982. Applicant: KALICO, INC., 223 Maple St., Waukesha, WI 53186. Representative: Richard Salentine, 5260 S. Brennan Dr., New Berlin, WI 53151, (414)-679-0631. Transporting (1) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Sifto Salt Div. of Domtar Industries, Inc., of Schiller Park, IL; Hydrite Chemical Company and Benlo Chemicals, Inc., both of Milwaukee, WI; and Waukesha Warehouse, Inc., of Waukesha, WI; (2) *canned fruits and vegetables*, between points in the U.S., under continuing contract(s) with Waukesha Wholesale Foods, Inc., of Waukesha, WI; (3) *machine parts*, between points in the U.S., under continuing contract(s) with National Manufacturing Company, Inc., of W. Allis, WI; (4) *cheese and related products*, between points in the U.S., under continuing contract(s) with Merkt Enterprises, Inc., of Bristol, WI; (5) *petrochemical products*, between points in the U.S., under continuing contract(s) with Geotextiles Systems, Inc., of Pewaukee, WI; and (6) *salt and salt products*, between points in the U.S., under continuing contract(s) with International Salt Company, of Clarks Summit, PA.

MC 163937, filed September 20, 1982. Applicant: RELIABLE TRANSPORT, INC., 1545 Waynesburg Rd., SE, Canton, OH 44707. Representative: Stephen L. Oliver, 275 E State St., Columbus, OH 43215, 614-228-8575. Transporting *metal products, building materials and such commodities which because of their size*

*or weight require the use of special handling or equipment*, between points in OH, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX

#### Volume No. OP4-352

Decided: October 4, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 144927 (Sub-44), filed August 19, 1982, previously noticed in the *Federal Register* issue of September 13, 1982, and republished this issue. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, IN 46204, 317-639-4511. Transporting *general commodities* (except classed A and B explosives and household goods), between points in the U.S. (except AK and HI).

Note.—The purpose of this republication is to correctly state the commodity description.

For the following, please direct status inquiries to Team 5 at 202-275-7289.

#### Volume No. OP5-203

Decided: September 29, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

W 1359, filed September 13, 1982. Applicant: THE WESTPORT LINE, INC., P.O. Box 1594, Muskogee, OK 74401. Representative: James E. Smith, Jr., 1838 Fern St., New Orleans, LA 70118, 918-683-9148. To operate as a *common carrier by water*, transporting *general commodities*, between ports and points on the Atlantic Coast, the Pacific Coast, the Coast of the Gulf of Mexico, and all inland waterways in the U.S. and its territorial waters, and all points between.

Note.—This application contemplates operations which should result in decreased energy consumption in comparison with existing energy consumption in the affected area. To the extent traffic will be diverted from existing transportation modes, greater energy efficiencies may be obtained without disruption to existing patterns of energy distribution or to development of energy resources. The application is, in all respects, consistent with prevailing goals and objectives of the National Energy Policy.

MC 35628 (Sub-45), filed September 17, 1982. Applicant: IMFS, INC., DBA INTERSTATE SYSTEM, 110 Ionia Ave., NW, Grand Rapids, MI 49503.

Representative: Michael P. Zell, (Same address as applicant.) 616-774-0400. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with The May Department

Stores Company of St. Louis, MO, Anchor Hocking Corporation of Lancaster, PA, and Cotter and Company of Harvard, IL.

MC 88368 (Sub-59), filed September 20, 1982. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Ave., Grandview, MO 64030. Representative: Thomas R. Kingsley, 10614 Amherst Ave., Silver Spring, MD 20902, 301-649-5074. Transporting *such commodities as are dealt in, or used by, catalog showrooms, mail order houses, variety, department, supermarket and convenience stores*, between points in the U.S.

MC 109448 (Sub-46), filed September 20, 1982. Applicant: PARKER TRANSFER COMPANY, P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, 614-228-1541. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OH, on the one hand, and, on the other, points in the U.S. (Except AK and HI).

MC 112539 (Sub-25), filed September 17, 1982. Applicant: PERCHAK TRUCKING, INC., P.O. Box 811, Hazleton, PA 18201. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, 717-344-8030. Transporting *building materials*, between points in Berks, York, Northumberland, Clearfield, Luzerne, Adams and Jefferson Counties, PA; Clay and Lawrence Counties, IN; Cleveland County, NC and Tuscarawas County, OH on the one hand, and, on the other, points in NY, NJ and PA.

MC 134668 (Sub-4), filed September 15, 1982. Applicant: MARINE TERMINALS, INC., P.O. Box 59-3037 AMF, Miami, FL 33159. Representative: William Sembler, One World Trade Center, Suite 1035, New York, NY 10048, (212) 432-1700. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Ecuadorian Line, Inc., of Miami, FL.

MC 140889 (Sub-27), filed September 20, 1982. Applicant: FIVE STAR TRUCKING, INC., 1638 Pioneer Way, El Cajon, CA 92020. Representative: Ignatius B. Trombetta, One Public Square No. 1001, Cleveland, OH 44113, (216) 589-0448. Transporting *building materials*, between points in the U.S. (except AK and HI), under continuing contract(s) with Donn Corporation, of Westlake, OH.

MC 145359 (Sub-44), filed September 7, 1982. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587,



Indianapolis, IN 46241. Representative: Donald W. Smith P.O. Box 40248, Indianapolis, IN 46241, (317) 846-6655. Transporting *such commodities* as are dealt in or used by service stations, food stores, auto supply stores, and retail department stores, between points in ME, CO, NH, VT, MA, CT, NY, RI, NJ, DE, NC, SC, GA, FL, AL, LA, MS, VA, TX, OK, MN, ND, SD, NE, KS, MD, and DC, on the one hand, and, on the other, points in the U.S. (except AR, IL, IN, IA, KY, MI, MO, OH, PA, WV, WI, TN, AK, and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5, Room 2414.

MC 146869 (Sub-6), filed September 16, 1982. Applicant: CARRIER FREIGHT LINES, INC., P.O. Box 813, Hickory, NC 28601. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Bldg., Charlotte, NC 28204, (704) 372-6730. Transporting *wine and brandy* between points in Santa Clara and San Mateo Counties, CA, on the one hand, and, on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada.

MC 152008 (Sub-3), filed September 13, 1982. Applicant: CASE ENTERPRISES, INC., 322 Cedar Springs Rd., Athens, TN 37303. Representative: M.C. Ellis, c/o Chattanooga Freight Bureau, Inc., 1001 Market St., Chattanooga, TN 37402, (615) 756-3620. Transporting (1) *furniture and fixtures*, under continuing contract(s) with La-Z-Boy, Tennessee, of Dayton, TN, (2) *transportation equipment*, under continuing contract(s) with The Heil Company of Athens, TN, and (3) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), under continuing contract(s) with 7/24 Freight Sales, Inc., of Modesto, CA, between points in the U.S. (except AK and HI).

MC 160728, filed September 2, 1982. Applicant: SMOKEY TRUCKING INC., RR 2, Ogg Rd., Knoxville, TN 37918. Representative: William T. Key (same address as applicant), 615-689-6272.

Transporting (1) *ores and minerals*, (2) *clay concrete glass or stone products*, (3) *metal products*, (4) *machinery*, and (5) *waste or scrap materials not identified by industry producing*, between points in the U.S. (except AK and HI).

MC 162088 filed August 30, 1982. Applicant: TRANSPORTATION AND WASTE, INC., 514 Kyser Drive, North Adams, MI 49262. Representative: Glen L. Ziegler, 102 North Chicago St., Litchfield, MI 49252, (517) 542-2966. Transporting (1) *agricultural chemicals and agricultural supplies*, between points in MI, OH, and IN, under continuing contract(s) with The Andersons, of Maumee, OH, and (2) *coal and limestone*, between points in MI, OH, and IN, under continuing contract(s) with Michigan South Central Power Agency, of Litchfield, MI.

MC 162098, filed September 20, 1982. Applicant: C M S SERVICES, INC., 800 Alsue, Fort Worth, TX 76140. Representative: Clayte Binion, 623 South Henderson, 2nd Fl., Fort Worth, TX 76104. (817) 332-4415. Transporting *communication machinery, equipment, and supplies* between points in TX, under continuing contract(s) with Southwestern Bell Telephone Company of Dallas, TX.

MC 163898, filed September 17, 1982. Applicant: KING CARTAGE CORP., 732 N.E. Second Ave., Miami, FL 33132. Representative: Bernard C. Pestcoe, 201 Alhambra Circle, Suite 511, Coral Gables, FL 33134, (305) 445-9668. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Dade, Broward, and Palm Beach Counties, FL.

MC 163918, filed September 20, 1982. Applicant: ROBERT SCHILLING, d.b.a. BOB SCHILLING TRUCKING, Rural Route No 1, P.O. Box 171, Grant Park, IL 60940. Representative: Edward D. McNamara, Jr., 907 South Fourth St., Springfield IL 62703 (217) 528-8476. Transporting *fertilizer*, between points in IN, on the one hand, and, on the other, points in Kankakee County, IL.

MC 163919, filed September 20, 1982. Applicant: PACIFIC COUNTY PUBLIC TRANSPORTATION BENEFIT AREA d.b.a. PACIFIC TRANSIT SYSTEM, 212 N. 2nd Street, Raymond, WA 98577. Representative: Daniel A. DiGuilio (same address as applicant), (206) 875-6541. Over *regular routes*, transporting *passengers and their baggage*, in the same vehicle with passengers, between Ilwaco, WA and Astoria, OR, from Ilwaco, WA, over U.S. Hwy 101 to Megler toll bridge, then over Megler toll

bridge to U.S. Hwy 30, then over U.S. Hwy 30 to Astoria, OR, and return over the same route.

MC 163928, filed September 20, 1982. Applicant: R.C.D. MOTOR FREIGHT, INC., P.O. Box 305, Newark Pompton Turnpike, Wayne, NJ 07470. Representative: Eugene M. Malkin, Two World Trade Center, Suite 1832, New York, NY 10048, (212) 466-0220. Transporting *general commodities* except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Teepee Packaging, Inc., of Clifton, NJ, and American Cyanamid Company of Wayne, NJ.

#### Vol. No. OP5-205

Decided: September 30, 1982.

By the Commission Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 118518, (Sub-13), filed September 22, 1982. Applicant: MUKLUK FREIGHT LINES, INC., 201 Donner Ave., P.O. Box 4-1415, Anchorage, AK 99502. Representative: Leo C. Franey, 918-16th St. NW., Washington, DC 20006, (202) 785-3700. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AK, on the one hand, and, on the other, points in WA, OR, CA, ID, MT, WY, CO, TX, OK, NM, AZ, UT, and NV.

MC 133779 (Sub-11), filed September 20, 1982. Applicant: FUNDIS COMPANY, 110 West Broadway St., Lovelock, NV 89419. Representative: Edwin A. Meyer, P.O. Box 7042, Reno, NV 89510, (702)-322-4441. Transporting (1) *food and related products*, (2) *ores and minerals*, (3) *chemicals and related products*, (4) *pulp, paper and related products*, (5) *forest products*, (6) *hazardous materials*, (7) *rubber and plastic products*, (8) *lumber and wood products*, (9) *metal products*, (10) *clay, concrete, glass or stone products*, (11) *machinery*, and (12) *coal products*, between points in the U.S. (except AK and HI).

MC 146438 (Sub-17), filed September 16, 1982. Applicant: ETV, INC., P.O. Box 393, Comstock Park, MI 49321. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685-0801, 616-941-5313. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 150079 (Sub-3), filed September 20, 1982. Applicant: K.R.C. TRANSIT, INC., P.O. Box 572, Westmont, IL 60559. Representative: Stephen H. Loeb, Suite 4, 2777 Finley Road, Downers Grove, IL



60515, 312-953-0330. Transporting *metal products, paper products, and plastic products*, between points in Porter and LaPorte Counties, IN, on the one hand, and, on the other, points in IA, IL, MI, OH, and WI.

MC 150218, filed September 20, 1982. Applicant: P & R TANK LINES, INC., 435 Seward Ave., Baltimore, MD 21225. Representative: H. Neil Garson, 3251 Old Lee Highway No. 400, Fairfax, VA 22030, 703-691-0900. Transporting *food and related products*, between points in MD, PA, NY, NJ, VA, IN, IA, and IL, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, PA, RI, TN, VA, VT, WV, and DC.

MC 150559 (Sub-5), filed September 20, 1982. Applicant: EMERSON EXPRESS CO., INC., P.O. Box 8008, 545 Lyell Ave., Rochester, NY 14608. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. 716-265-9510. Transporting *metal products, plastics and plastic products, glass, containers, grease compounds, smelter supplies, pulp, paper and related products, recyclable materials, and waste or scrap materials*, between points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 150878 (Sub-4), filed September 23, 1982. Applicant: DON FRAME TRUCKING, INC., 5485 Route 5, Fredonia, NY 14063. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., NW, Suite 500, Washington, DC 20006, 202-828-5015. Transporting *food and related products and clay, concrete, glass or stone products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Fred Koch Brewery of Dunkirk, NY.

MC 156488 (Sub-2), filed September 23, 1982. Applicant: CONTRANS, INC., 6716 Berger, Kansas City, KA 66111. Representative: Donald J. Quinn, 8901 State Line-Suite 232, Kansas City, MO 64114, 816-444-7474. Transporting *toys*, between points in the U.S., under continuing contract(s) with Children's Palace, of Kansas City, MO.

MC 159148, filed September 22, 1982. Applicant: IMPERIAL CARRIERS, INC., Rural Route 1, Box 76, Fremont, WI 54940. Representative: William F. Mix, 21 A Muzzey St., Lexington, MA 02173, 617-861-7305. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Morton Chemical, a Division of Morton Norwich Products, Inc., of Chicago, IL.

MC 162728, filed September 22, 1982. Applicant: PHILIP QUE N doing

business as WAYNE TRANSPORTATION SERVICE, 8132 Toms Creek Road, Wayne, WV 25570. Representative: Philip Queen (same address as applicant), 304-272-5208. Transporting *coal mining machine parts*, between points in Wayne County, WV, on the one hand, and, on the other, points in VA, KY, TN, and WV.

MC 162978 (Sub-1), filed September 17, 1982. Applicant: MILLIE'S TOURS AND CHARTERS, 305 North E St., Madera, CA 93637. Representative: Mildred R. Smith, 2708 National Ave., Madera, CA 93637, 209-673-1110. Transporting *passengers and their baggage* in same vehicle with passengers, in special and charter operations, beginning and ending at points in CA, and extending to points in the U.S. (except AK and HI).

MC 163908, filed September 20, 1982. Applicant: RONALD J. ENGG, d.b.a. R. J. TRUCKING, Box 171, Westhope, ND 58793. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502-2056, 701-223-5300. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Di-Chem Dresser, a division of Dresser Industries, of Dallas, TX.

MC 163938, filed September 21, 1982. Applicant: ASSOCIATED TRANSPORT SERVICE, INC., P.O. Box 303, Airway Heights, WA 99001. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208-343-3071. Transporting *general commodities* (except classes A and B explosives and household goods), between those points in the U.S. in and west of ND, SD, WY, CO, and NM (except HI).

MC 163968, filed September 20, 1982. Applicant: K.T. & E., INC., 309 Industrial Blvd., P.O. Box 1027, Lufkin, TX 75901. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701, 512-476-8066. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between those points in the U.S. in and west of MI, OH, KY, TN and AL (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-27734 Filed 10-7-82; 8:45 am]

BILLING CODE 7035-01-M

#### Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's rules of Practice, see 49 CFR 1100.251. Special

rule 251 was published in the *Federal Register* on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

#### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement



in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

**Note.**—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 3, (202) 275-5223.

#### Volume No. OP3-151

Decided: September 29, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 26825 (Sub-72), filed September 20, 1982. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 163924, filed September 20, 1982. Applicant: JIMMY O. ROBERTS, W. IRENE ROBERTS, AND DAVID B. ROBERTS, d.b.a. BIG RED TRANSPORT, 217 E. Jefferson, Fresno, CA 93706. Representative: W. Irene Roberts (same address as applicant), 209-266-7694. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 1, at 202-275-7992.

#### Volume No. OP1-173

Decided: October 1, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier. (Member Chandler not participating.)

MC 163881, filed September 17, 1982. Applicant: FRED D. WAGONER, 920 Woodbury, Miles City, MT 59301. Representative: Charles A. Murray, Jr., 2822 Third Avenue North, Billings, MT 59101, 406-252-4165. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

#### Volume No. OP1-175

Decided: September 29, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 160090, filed September 22, 1982. Applicant: SPILLERS MOVING & STORAGE, INC., 220 North Hudson Street, Mills, WY 83644. Representative: Jack Spillers (same address as applicant), 307-265-1642. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 163940, filed September 21, 1982. Applicant: BDP INTERNATIONAL, INC., 14th Floor, 510 Walnut St., Philadelphia, PA 19106. Representative: William C. Person (same address as applicant), 215-629-8927. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 163970, filed September 23, 1982. Applicant: BEN-RUS CORPORATION, INC., P.O. Box 70, Lignum, VA 22726. Representative: Florence E. Boyce (same address as applicant) 202-298-3150. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except HI), and (2) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *Agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK AND HI).

For the following, please direct status inquiries to Team 4 at 202-275-7669.

#### Volume No. OP4-351

Decided: October 4, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 163906, filed September 20, 1982. Applicant: OVERLAND AGRICULTURAL ASSOCIATION, P.O. Box 32, Commerce City, CO 80037. Representative: David Robinson, 2228 W. Northern Ave., B-201, Phoenix, AZ 85021, 602-864-0999.

(1) As a *broker of general commodities* (except household goods), and (2) transporting, for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

#### Volume No. OP4-354

Decided: October 4, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 105006 (Sub-14), filed September 23, 1982. Applicant: L. L. SMITH TRUCKING, P.O. Box 987, Riverton, WY 82501. Representative: Jack B. Wolfe, 601E 18th Ave., #107, Denver, CO 80203, 303-861-8046. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 5 at 202-275-7289.

#### Volume No. OP5-204

Decided: September 29, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 111358 (Sub-5), filed September 17, 1982. Applicant: ACE MOVING COMPANY, 830 E. Main St., Larksville, PA 18704. Representative: Raymond Talipski, 121 S. Main Street, Taylor, PA 18517, 717-344-8030. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

MC 163949, filed September 21, 1982. Applicant: JON J. NEET AND RICHARD L. BECKER d.b.a. APLINE ENTERPRISES 34634 38th Ave. S., Auburn, WA 98002. Representative: Kenneth R. Mitchell, 2320A Milwaukee Way, Tacoma, WA 98421, 206-383-3998. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-27733 Filed 10-7-82; 8:45]

BILLING CODE 7035-01-M

#### [Docket No. AB-1 (Sub-140)]

#### Chicago and North Western Transportation Company; Abandonment—Between New London and Clintonville, WI; Findings

The Commission has found that the public convenience and necessity warrants the Chicago and North Western Transportation Railroad Company to abandon a line of railroad known as the Clintonville New London line extending from railroad milepost 141.0 near New London to railroad milepost 157.0 near Clintonville, a



distance of 16.0 miles in Outagamie and Waupaca Counties, WI. A certificate will be issued authorizing this abandonment unless within 15 days after this publication, the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-27730 Filed 10-7-82; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-13,029 and 13,037]

#### Act III, Inc., Division of Jonathan Logan, Inc., Columbus Fashions, Columbus, Ga., and Lynn Fashions, Brent, Ala.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 13, 1981, in response to a worker petition received on October 5, 1981, which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Columbus Fashions, Columbus, Georgia, and Lynn Fashions, Brent, Alabama, both plants of Act III, Incorporated, a division of Jonathan Logan, Incorporated.

An active certification covering the petitioning group of workers was in effect at the time of the plant closures (TA-W-5531 and 5538). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, D.C. this 27th day of September 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-27702 Filed 10-7-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-11,957]

#### Advance Glove Manufacturing Co. Detroit, Michigan; Negative Determination Regarding Application for Reconsideration

By an application dated August 4, 1982, after being granted a filing extension, the union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of former workers producing work gloves at the Detroit, Michigan plant of the Advance Glove Manufacturing Company. The determination was published in the Federal Register on June 1, 1982 (47 FR 23828).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

- (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;
- (2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or
- (3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The union claims that the increased market penetration of imported work gloves would suffice to meet criterion 3 of Section 222 of the Trade Act of 1974. The union also asserts that Advance Glove has been an importer of gloves and alleges increased purchases of imported gloves may have been used to fill customer orders.

The Department's review shows that the worker petition did not meet the "contributed importantly" test of the Act. The Department's survey of Advance Glove's customers showed that none of those responding reduced purchases from Advance while increasing purchases of imported work gloves in 1980 compared to 1979. The Detroit plant ceased production in December 1980.

Although the increased market penetration by imports of work gloves in 1980 compared to 1979 satisfies the requirement that imports increased absolutely or relative to domestic

production, it does not satisfy the requirement that increases of imports "contributed importantly" to declines in sales, production and employment at the firm. Significant increases in company imports would satisfy the "contributed importantly" test. However, the investigate case file revealed that Advance Glove did not import work gloves like or directly competitive with those produced at the Detroit Plant.

#### Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application, is therefore, denied.

Signed at Washington, D.C., this 27th day of September 1982.

Stephen A. Wandner,

Deputy Director, Office of Research, Legislation and Program Policies.

[FR Doc. 82-27701 Filed 10-7-82; 8:45 am]

BILLING CODE 4510-30-M

#### Bessco Holding Corp. et al.; Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter, 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 18, 1982.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 18, 1982.



The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training

Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 27th day of September 1982.

Marvin M. Fooks,  
Director, Office of Trade Adjustment Assistance.

## APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition	Articles produced
Bessco Holding Corp., Bessco Knitting Div. (company)	Freeport, N.Y.	9/23/82	9/17/82	TA-W-13,795	Outerwear—knitted.
E & W of Heber Springs, Inc. (workers)	Heber Springs, Ark.	9/21/82	9/15/82	TA-W-13,796	Shirts, western—men's & boys' knit.
McGill Manufacturing Co., Inc. (Plant #1) (wks.)	Valparaiso, Ind.	9/17/82	8/13/82	TA-W-13,797	Bearings—machinery, equipment aircrafts.
New Process Gear Corp. (workers)	E. Syracuse, N.Y.	9/21/82	9/9/82	TA-W-13,798	Transmissions, transaxes, transfer cases.
Olga Coal Company, Roadfork #2 Mine (workers)	Careatta, W. Va.	9/21/82	9/13/82	TA-W-13,799	Coal mining.
DPacific States Cast Iron Pipe Co. (wks.)	Provo, Utah	9/23/82	9/15/82	TA-W-13,800	Pipe—iron, cast.
Patio Knitting Co. (workers)	Burlington, N.J.	9/21/82	9/15/82	TA-W-13,801	Fabrics—knit—double, single & rib.
Phillips Fibers Corp. (workers)	Spartanburg, S.C.	9/22/82	9/1/82	TA-W-13,802	Yarns—fiber, synthetic.
Xerox Corp. (ACTWU)	Webster, N.Y.	9/21/82	9/17/82	TA-W-13,803	Machine—photocopying.
Pennsylvania Wire Rope Corp. (UAW)	Williamsport, Pa.	9/21/82	9/13/82	TA-W-13,804	Cables, bake—parking.
Carlton Machine Tool Co. (workers)	Cincinnati, Ohio	9/21/82	9/15/82	TA-W-13,805	Drills, radial, horizontal machining center & parts.
Climax Molybdenum Co. (IBEW)	Climax, Colo.	9/21/82	9/13/82	TA-W-13,806	Molybdenum.
Joslyn Stainless Steels (USWA)	Fort Wayne, Ind.	9/21/82	9/16/82	TA-W-13,807	Bars—steel, stainless hot rolled, cold finished.
MAPCO Corp. (workers)	Lovely, Ky.	9/16/82	8/25/82	TA-W-13,808	Coal mining.
Pioneer Video, Inc. (workers)	Carson, Calif.	9/21/82	9/13/82	TA-W-13,809	Laser video discs.
Prestolite Wire Div., an Allied Co. (wks.)	Jackson, Ky.	9/21/82	9/17/82	TA-W-13,810	Battery cable assemblies.
Sim Cal Chemical Co. (workers)	El Centro, Calif.	9/16/82	9/8/82	TA-W-13,811	Nitrogen fertilizers.
U.S. Steel Supply (teamsters)	Fairless Hills, Pa.	9/16/82	9/10/82	TA-W-13,812	Selling of steel products.

[FR Doc. 82-27706 Filed 107-82; 8:45 am]

BILLING CODE 4510-30-M

### Martin Greenfield Clothiers, Ltd. et al.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period September 20, 1982–September 24, 1982.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

### Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not

contribute importantly to worker separations at the firm.

TA-W-13,096; Martin Greenfield Clothiers, Ltd., Brooklyn, NY  
TA-W-13,082; Stafford and Jackson Screw Machine Shop, Atlas, MI  
TA-W-13,076; OMB Associates, Inc., Nashua, NH  
TA-W-13,047; The Fenton Art Glass Co., Williamstown, WV

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-13,059; Wean United, Inc., Plant #1, Youngstown, OH  
TA-W-13,060; Wean United, Inc., Plant #2, Youngstown, OH  
TA-W-13,061; Wean United, Inc., Henricks Road, Warren, OH  
TA-W-13,062; Wean United, Inc., Vandergrift, PA

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-13,198; G & M Fashions, Inc., Newark, NJ

Aggregate U.S. imports of raincoats did not increase as required for certification.

TA-W-13,132; Burroughs Corp., Display Div., Warren Township, NJ

Aggregate U.S. imports of gas discharge displays did not increase as required for certification.

TA-W-13,109; Allis-Chalmers Corp., Laporte, IN

Aggregate U.S. imports of tractor cabs and agricultural harvesting and planting machinery and equipment did not increase as required for certification.

I hereby certify that the aforementioned determinations were issued during the period September 20, 1982–September 24, 1982. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: September 28, 1982.

Marvin M. Fooks,  
Director, Office of Trade Adjustment Assistance

[FR Doc. 82-27705 Filed 10-7-82; 8:45 am]

BILLING CODE 4510-30-M

### [A-W-12,917]

### Teledyne Wisconsin Motor, Milwaukee, Wisc.; Native Determination Regarding Application for Reconsideration

By an application dated August 17, 1982, the union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing heavy-duty gasoline engines at Teledyne Wisconsin Motor's plant in Milwaukee, Wisconsin. The determination was published in the Federal Register on August 24, 1982 (47 FR 36995).



Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

- (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;
- (2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or
- (3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The union claims that Teledyne's imported Robin engines directly compete with the engines produced at the plant resulting in a loss of jobs. The union also claims that production of the single cylinder and 6-18 horsepower group of engines was transferred to Japan.

The Department's review showed that the worker petition did not meet the "contributed importantly" test of Section 222 of the Trade Act of 1974. The Department's survey of major customers of Teledyne's Milwaukee plant showed that they did not purchase imported heavy duty cast iron engines such as those produced by Teledyne Wisconsin Motor. Customers purchasing imported diesel or aluminum encased engines from Teledyne and other sources indicated that such engines have totally different applications than do the heavy duty cast iron engines produced by Teledyne Wisconsin Motor. Company imports of engines by Teledyne declined in 1980 compared by 1979 and in 1981 compared to 1980.

The preponderance of production at Teledyne Wisconsin Motor consisted of engines that were substantially larger and had different applications than Teledyne's imported Robin engines and diesel engines. Furthermore, company imports of the Robin and diesel engines declined in both 1980 and 1981 compared to the previous year. None of Teledyne Wisconsin Motor's engine production has been transferred to Japan.

#### Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 27th day of September 1982.

Harold A. Bratt,

Acting Deputy Director, Office of Program Management Unemployment Insurance Service.

[FR Doc. 82-27703 Filed 10-7-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-12,666]

#### Western Electric Company, Inc., Kansas City Works, Lee's Summit, MO.; Negative Determination on Reconsideration

On July 30, 1982, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of Western Electric's Kansas City Works in Lee's Summit, Missouri.

Counsel for the union claims, in his application for reconsideration, that Western Electric is not the exclusive supplier of telephone transmission equipment and apparatus for the Bell System of AT&T. It is claimed that switch board lamps once produced at Western Electric's Kansas City Works for the Bell System are being produced by another domestic firm and components of those lamps may now be imported. Counsel further claims that Western Electric's imports of electronic component parts are not negligible and indicates that the production of surge protector units was affected by imports. Lastly, counsel doubts that sales, in quantity, increased in 1980 and 1981.

The Department's negative determination indicates that the worker petition did not meet the "contributed importantly" test of the Trade Act of 1974. The Department found that Western Electric is the exclusive supplier of telephone transmission equipment and apparatus for the Bell System of AT&T. Thus, the only imports of equipment or components used by Bell are procured by Western Electric. Also, sales of electronic component parts and telephone transmission equipment at Kansas City increased in 1980 compared to 1979 and in 1981 compared to 1980. Lastly, the Department found that although Western Electric imports some electronic component parts like or directly competitive with some of the products of the Kansas City Works, such import purchases represent a negligible percentage of that firm's sales of those electronic component parts.

Although the Department found on reconsideration that Western Electric is not the sole supplier of electronic component parts to the Bell System, counsel's appeal still does not satisfy

the "contributed importantly" test of the Act. A great majority of the electronic component parts produced at Kansas City were shipped to other domestic plants of Western Electric for further manufacturing or incorporation into final products which were ultimately sold to the Bell System. Western Electric's sales of those products, in constant 1979 dollars, increased in 1980 compared to 1979 and remained stable in 1981 compared to 1980. A small percentage of the components were shipped directly to the Bell System for maintenance and repair purposes. Further, the loss of the switch board lamp production was not caused by imports. Another domestic firm is producing switch board lamps for the Bell System; none are imported. The second group of products produced by the Kansas City Works, telephone transmission equipment, were final articles and were shipped entirely to the Bell System. The Department found that sales of this segment of Kansas City's production increased in 1980 and 1981 when compared to the immediately preceding years even after adjusting for price increases in those years.

On reconsideration the Department confirmed its initial finding that Western Electric's imports of electronic parts like or directly competitive with those produced at Kansas City are negligible. Western Electric is now purchasing surge protector units from other domestic firms. Some of these units are assembled in Puerto Rico.

Lastly, counsel's doubt that sales, in quantity, increased in 1980 and 1981 is unfounded since the Department found that sales of telephone transmission equipment at Kansas City increased in 1980 and 1981 even after adjusting for price increases in those years. The fact that sales of electronic component parts decreased in 1980 and 1981, after adjusting for price increases, would not provide a basis for certification since most of the parts produced at Kansas City were shipped to other Western Electric plants where price adjusted corporate sales of products incorporating these components increased in 1980 compared to 1979 and remained relatively stable in 1981 compared to 1980.

#### Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers of Western Electric's Kansas City Works in Lee's Summit, Missouri.



Signed at Washington, D.C., this 27th day of September 1982.

**Stephen A. Wandner,**  
Deputy Director, Office of Research  
Legislation and Program Policies

[FR Doc. 82-27704 Filed 10-7-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-12,620]

### **Arrow Co.; Negative Determination Regarding Application for Reconsideration**

By an application dated August 5, 1982, after being granted a filing extension, the union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing men's dress shirts at the Arrow Company's plant in Troy, New York. The determination was published in the *Federal Register* on June 15, 1982 (47 FR 25792).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The union's claim that the Department was inconsistent in its negative decision in regards to the Troy workers is incorrect since their petition was filed nearly one year later than the above-referenced petitions that resulted in certifications. The circumstances upon which the certifications were based did not continue to exist during the period considered in the recent investigation. Specifically, the "contributed importantly" test was satisfied in the earlier investigations on the grounds that company imports of men's dress and sport shirts had increased. However, in the recent investigation, company imports had declined during the period of decreased production at the Troy plant. A survey of Arrow's major customers during the recent investigation revealed no evidence that increased imports "contributed importantly" to decreased company sales and production of men's dress shirts during the relevant period. Thus, the "contributed importantly" test was not satisfied.

The union's claim that U.S. imports of men's dress shirts increased relative to domestic production in 1980 compared to 1979 is moot in that the investigation found that imports of dress shirts, whether increasing or decreasing, did not contribute importantly to decreased production and to the separation of workers at the Troy plant.

### **Conclusion**

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 29th day of September 1982.

**Robert O. Deslongchamps,**  
Acting Deputy Administrator, Unemployment  
Insurance Service.

[FR Doc. 82-27779 Filed 10-7-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-12, 62]

### **Cluett, Peabody and Company, Inc.; Negative Determination regarding application for Reconsideration**

By an application dated August 5, 1982, after being granted a filing extension, the union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers at Cluett, Peabody's headquarters facility in Troy, New York. The determination was published in the *Federal Register* on June 15, 1982 (47 FR 25792).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The union claims that the Department used employment data for a time period different from that covered by the worker petition, i.e., the Department should have examined the last two quarters of 1980 compared to the same quarters in 1979.

The Department's review showed that the worker petition did not meet the first

criterion of Section 222 of the Trade Act of 1974 which requires a significant decrease in employment at the firm or subdivision. Employment of all workers at the Troy facility of Cluett, Peabody and Company increased in every quarter of 1981 compared with the same quarter of 1980 and increased in January 1982 compared with January 1981. Layoffs which occurred in the relevant period did not affect a significant number of workers at the company.

The review showed that notwithstanding the possibility that there may have been employment declines in the last two quarters of 1980 as compared to 1979 as the petitioners claim the investigative report reveals that there was no significant number or proportion of workers laid off in the last two quarters of 1980 at the Troy, New York headquarters facility of Cluett, Peabody and Company.

### **Conclusion**

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 29th day of September 1982.

**Robert O. Deslongchamps,**  
Acting Deputy Administrator, Unemployment  
Insurance Service.

[FR Doc. 82-27778 Filed 10-7-82; 8:45 am]

BILLING CODE 4510-30-M

### **Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance**

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may



request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 18, 1982.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to

the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 18, 1982.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of

Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 30th day of September 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

## APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
American Stamping, Div. of Alco Standard (IAMAW)	Euclid, OH	9/27/82	9/17/82	TA-W-13,814	Stampings—metal, auto; stampings—other.
Barry of Conway (company)	Conway, AR	9/20/82	9/13/82	TA-W-13,815	Shoes—mushroom, comfort.
Boris Smoler & Sons, Inc. (wkrs)	Elkhart, IN	9/24/82	9/10/82	TA-W-13,816	Dresses—ladies.
Cannelton Industries, Inc., Indiana Creek Div. (UMWA)	Boone County, WV	9/27/82	9/22/82	TA-W-13,817	Coal—mining.
Cannelton Industries, Inc., Kanawka Div. (UMWA)	Fayette Co. WV	9/27/82	9/22/82	TA-W-13,818	Coal—mining.
General Motors Corp. Assembly Div. Lakewood (UAW)	Atlanta, GA	9/7/82	9/29/82	TA-W-13,819	Chevette, Pontiac 1000.
General Motors Corp., Assembly Div. (wkrs)	Tarrytown, NY	9/10/82	9/7/82	TA-W-13,820	Skylark, Citation, Phoenix.
General Motors Corp., Harrison Radiator Div. (IUE)	Dayton, OH	9/13/82	9/7/82	TA-W-13,821	Air compressors, air conditioners.
General Motors Corp., Chevrolet Moraine Engine Div. (IUE)	Dayton, OH	9/13/82	9/8/82	TA-W-13,822	Diesel engines.
General Motors Corp., Fisher Body (UAW)	Trenton, NJ	9/23/82	9/14/82	TA-W-13,823	Vent windows, door handles, seat adjusters, trim parts.
Goodyear Tire & Rubber Co., Shoe Products Div. (UAW)	Windsor, VT	9/24/82	9/20/82	TA-W-13,824	Heels, soles, and soles slabs.
Imperial Colliery Co., Eskdale Div. (UMWA)	Eskdale, WV	9/27/82	9/22/82	TA-W-13,825	Steam coal and prep. plant.
International Hat Co. (workers)	St. Louis, MO	9/24/82	9/16/82	TA-W-13,826	Straw hats.
Maple Meadow Mining Co., Maple Meadow Mine (UMWA)	Raleigh Co. WV	9/26/82	9/23/82	TA-W-13,827	Coal mining.
Opeika Manufacturing (workers)	Miami, FL	9/8/82	9/2/82	TA-W-13,828	Uniforms—industrial.
R.G. Barry Corp. (company)	Columbus, OH	9/20/82	9/13/82	TA-W-13,829	Shoes—mushroom, comfort distribution center.
R.G. Barry Corp. (company)	Pickerington, OH	9/20/82	9/13/82	TA-W-13,830	Offices—wholesales.
Sibley Machine & Foundry Corp., Machine Div. (UAW)	So. Bend, IN	9/26/82	9/23/82	TA-W-13,831	Seams—for castings.
Sibley Machine & Foundry Corp. Foundry Div. (UAW)	So. Bend, IN	9/26/82	9/23/82	TA-W-13,832	Gray and ductile iron castings.
U.S. Steel Mining Co., Inc., Decota District (two mines) (UMWA)	Carbon, WV	9/27/82	9/22/82	TA-W-13,833	Coal mining.
U.S. Steel Mining Co., Inc., Decota District (UMWA)	Winifrede, WV	9/27/82	9/22/82	TA-W-13,834	Coal mining.

[FR Doc. 82-27780 Filed 10-7-82; 8:45 am]

BILLING CODE 4510-30-M

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with the court's ruling in *Julian R. Woodrum v. Donovan et al.* Slip Op. 82-60 (July 26, 1982), which remanded the matter for further administrative proceedings we hereby publish notice of receipt of plaintiff's petition. The Director of the Office of Trade Adjustment Assistance, Employment and Training Administration is instituting an investigation concerning (1) whether there is substantial ownership and control of Bitner Lincoln Mercury, El Cajon, California by the Ford Motor Company; and (2) whether the nature of work performed by the petitioners, employees of Bitner Lincoln Mercury, a

car dealership, constitutes production within the meaning of the Trade Act of 1974.

The purpose of the investigation is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment

Assistance, at the address shown below, not later than October 18, 1982.

Interested persons are invited to submit written comments regarding the subject matter of the investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 18, 1982.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 30th day of September 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

## APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bitner Lincoln Mercury (workers)	El Cajon, CA	10/17/80	10/8/80	TA-W-13,813	Dealership—auto.

[FR Doc. 82-27781 Filed 10-7-82; 8:45 am]

BILLING CODE 4510-30-M



# **Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Additions to Annual List of Labor Surplus Areas**

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** The purpose of this notice is to announce additions to the annual list of labor surplus areas.

**DATE:** The additions to the annual list are effective on October 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** James W. Higgins, Assistant Chief, Division of Labor Market Information, 601 D Street, N.W., Attention: TEEPA, Washington, D.C. 20213. Telephone: 202-376-6890.

**SUPPLEMENTARY INFORMATION:** Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under that Order for classifying and designating areas as Labor surplus areas.

Under Executive Order 10582 executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as defined by the Secretary of Labor. The preference given to domestic suppliers under Executive Order 10582 has been modified by Executive Order 12260. Federal Procurement Regulations Temporary Regulation 57 (41 CFR Chapter 1, Appendix), issued by the General Services Administration on January 15, 1981 (46 FR 3519), implements Executive Order 12260. Executive agencies should refer to Temporary Regulation 57 in procurements involving foreign businesses or products in order to assess its impact on the particular procurements.

The Department of Labor's regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR Part 654, Subparts A and B. Subpart A requires the Assistant Secretary of Labor to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations the Assistant Secretary of Labor published the annual list of labor surplus areas on June 4, 1982 (47 FR 24474).

Subpart B of Part 654 states that an area of substantial unemployment for purposes of Executive Order 10582 is any area classified as a labor surplus area under Subpart A. Thus, labor surplus areas under Executive Order 12073 are also areas of substantial unemployment under Executive Order 10582.

The areas described below have been classified by the Assistant Secretary of Labor as labor surplus areas pursuant to 20 CFR 654.5(c) and are added to the annual list of labor surplus areas, effective October 1, 1982. The following additions to the annual list of labor surplus areas are published for the use of all Federal agencies in directing procurement activities and locating new plants or facilities.

Signed at Washington, D.C. on September 27, 1982.

Albert Angrisani,  
Assistant Secretary of Labor.

## **Additions to the Annual List of Labor Surplus Areas**

October 1, 1982

Labor surplus area	Civil jurisdiction included
Alabama:	
Shelby County.....	Shelby County.
Maryland:	
Cecil County.....	Cecil County.
New York:	
Schuyler County.....	Schuyler County.
North Carolina:	
Johnston County.....	Johnston County.
Wisconsin:	
Milwaukee City.....	Milwaukee City in Milwaukee County.

[FR Doc. 82-27710 Filed 10-7-82; 8:45 am]

**BILLING CODE 4510-30-M**

## **Mine Safety and Health Administration**

[Docket No. M-82-90-C]

### **Big Fist Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard**

Big Fist Coal, Inc., c/o Progressive Training and Research, Star Route, P.O. Box 61, Elkhorn City, Kentucky 41522, has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 3 Mine (I.D. No. 15-11804) located in Pike County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirements that cabs or canopies be

installed on the mine's electric face equipment.

2. The mine is in the No. 2 Elkhorn seam and ranges from 40 to 50 inches in height, with consistent ascending and descending grades, creating dips in the coal bed.

3. Petitioner states that installation of canopies on the mine's electric face equipment would result in a diminution of safety for the miners affected because the canopies can strike and dislodge the roof support system. The canopies also cause a cramped operator compartment and limit visibility, increasing the chances for an accident.

### **Request for Comments**

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 8, 1982. Copies of the petition are available for inspection at that address.

Dated: September 30, 1982.

Patricia W. Silvey,  
Acting Director, Office of Standards,  
Regulations and Variances.

[FR Doc. 82-27707 Filed 10-7-82; 8:45 am]

**BILLING CODE 4510-43-M**

## **New Personal Audio Dosimeters Accepted**

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice of MSHA acceptance of two new personal audio dosimeters.

**SUMMARY:** After testing and evaluation, the Mine Safety and Health Administration (MSHA) announces the acceptance of the Minnesota Mining and Manufacturing Company Model 6249 Personal Noise Dosimeter and the E. I. DuPont DeNemours and Company Model Mark I Audio Noise Dosimeter for use in coal mines.

**EFFECTIVE DATE:** October 8, 1982.

**FOR FURTHER INFORMATION CONTACT:** Robert G. Peluso, Pittsburgh Technical Support Center, Mine Safety and Health Administration, 4800 Forbes Avenue, Pittsburgh, PA 15213, (412) 621-4500.

**SUPPLEMENTARY INFORMATION:** On September 12, 1978, the Mine Safety and Health Administration (MSHA) published a final rule that became



effective on October 1, 1978 and amended the mandatory health standards governing noise dosimeters (43 FR 40760). The amendments to 30 CFR Parts 70 and 71 permit the use of personal noise dosimeters to determine noise exposure in coal mines and set forth the procedures to be followed in taking such noise measurements. The rule provides that the noise exposure measurements and surveys required by Parts 70 and 71 must be taken by personal noise dosimeters that MSHA has determined to be acceptable. The tests and criteria used by MSHA to determine acceptability of personal noise dosimeters are published in "MASH Test Procedures and Acceptability Criteria for Noise Dosimeters," MSHA Informational Report IR-1072.

MSHA has recently completed testing and evaluation of the Minnesota Mining and Manufacturing Company Model 6249 Personal Noise Dosimeter and the E. I. DuPont DeNemours and Company Model Mark I Audio Noise Dosimeter. MSHA has determined that these dosimeters meet all of the criteria listed in MSHA Informational Report IR-1072 and hereby gives notice that these dosimeters are acceptable for use under 30 CFR 70.505 and 71.801.

Accordingly, operators may use the Minnesota Mining and Manufacturing Company Model 6249 Personal Noise Dosimeter and the E. I. DuPont DeNemours and Company Model Mark I Audio Noise Dosimeter to take the noise exposure measurements and surveys at underground coal mines as required by 30 CFR 70.503, 508 and 509 and at surface coal mines as required by 30 CFR 71.802, 71.803 and 71.804.

Dated: September 30, 1982.

Patricia W. Silvey,

*Acting Director Office of Standards, Regulations and Variances.*

[FR Doc. 82-27708 Filed 10-7-82; 8:45 am]

BILLING CODE 4510-43-M

## Occupational Safety and Health Administration

### Kentucky Standards

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant

Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a state plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On July 31, 1973, notice was published in the *Federal Register* (38 FR 20322) of the approval of the Kentucky plan and the adoption of Subpart Q to Part 1952 containing the decision.

The Kentucky plan provides for the adoption of Federal standards as State standards after public hearing. Section 1953.20 of 29 CFR provides that "where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required."

The State has submitted by letter dated 15 June 1981 from Eugene F. Land, Commissioner, Kentucky Department of Labor to Karen L. Mann, Acting Regional Administrator, and incorporated as a part of the plan amended State standards comparable to amendments to Federal standards. The updated standards covered by this notice are comparable to amended Federal Standards:

29 CFR 1910.35 Definitions, dated September 12, 1980; 29 CFR 1910.37 Means of Egress, dated September 12, 1980; 29 CFR 1910.38 Employee Emergency Plans and Fire Prevention Plans, dated September 12, 1980; 29 CFR 1910.107 Spray Finishing using flammable and combustible materials, dated September 12, 1980; 29 CFR 1910.108 Dip Tanks containing flammable or combustible liquids, dated September 12, 1980; 29 CFR 1910.109 Explosive and Blasting Agents, dated September 12, 1980; 29 CFR 1910.155 Scope application and definitions, dated September 12, 1980; 29 CFR 1910.156 Fire Brigades, which extends the application of the standard to the public sector, dated September 12, 1980; 29 CFR 1910.157 Portable Fire Extinguishers, dated September 12, 1980; 29 CFR 1910.158 Standpipe and Hose Systems, dated September 12, 1980; 29 CFR 1910.159 Automatic Sprinkler Systems, dated September 12, 1980; 29 CFR 1910.160 Fixed Extinguishing Systems, dated September 12, 1980; 29 CFR 1910.161 Fixed Extinguishing Systems, dry chemical, dated September 12, 1980; 29 CFR 1910.162 Fixed Extinguishing Systems, gaseous agents, dated September 12, 1980; 29 CFR 1910.163 Fixed Extinguishing Systems, water spray and foam, dated September 12, 1980; 29 CFR 1910.164 Fire Detection Systems, dated September 12, 1980; 29 CFR 1910.165 Employee Alarm Systems, dated September 12, 1980; Appendices

A, B, C, D, and E, to Subpart L, 29 CFR 1910, dated September 12, 1980; 29 CFR 1910.177 Servicing Multipiece Wheel Rims, dated January 29, 1980; 29 CFR 1910.423 Commercial Diving Operations, correction, dated June 20, 1980; 29 CFR 1910.1005 4,4'-Methylene bis (2-chloroaniline), dated June 27, 1974; 29 CFR 1910.1025 Occupational Exposure to Lead, Appendices A, B, and C, dated October 23, 1979 and November 30, 1979; 29 CFR 1910.1028 Occupational Exposure to Benzene, footnote 1, Table Z-2 deleted in compliance with Supreme Court decision; 29 CFR 1910.1043 Cotton Dust, dated February 26, 1980.

The Kentucky plan also provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under Section 6 of the Act. The State has amended the following Federal standards paragraphs: 29 CFR 1910.156 Fire Brigades, dated September 12, 1980; 29 CFR 1926.400(h)(3) Electrical Ground Fault Protection; 29 CFR 1926.200(g)(2) Traffic control devices; 29 CFR 1926.201 Signaling Directions; 29 CFR 1926.202 Barricades; and 29 CFR 1926.950(c)(1)(i). The State has also promulgated a standard for which there is no comparable Federal standard, related to Receiving and Unloading of Bulk Hazardous Materials.

These standards were promulgated by Standards Board Meetings July 26, 1979, October 25, 1979, January 24, 1980, April 28, 1980, July 24, 1980, October 30, 1980, January 22, 1981, and filed with the Legislative Research Commission on August 1, 1979, December 1, 1980, March 1, 1980, June 1, 1980, September 1, 1980, December 1, 1980, and March 1, 1981, for publication in the Kentucky Administrative Register on September 1, 1979, December 1, 1979, March 1, 1980, June 1, 1980, July 1, 1980, September 1, 1980, December 1, 1980, pursuant to the Kentucky Occupational Safety and Health Act and Chapter 13, Kentucky Revised Statutes.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that (1) those standards repromulgated by the State are identical to those previously approved on November 17, 1975 (41 FR 1980), January 13, 1976, February 24, 1977 (42 FR 33814), April 20, 1977 (42 FR 33815), November 1, 1977 (42 FR 57182), December 8, 1978 (43 FR 57672), April 6, 1979 (44 FR 20813); (2) updated standards are identical to the Federal standards; and (3) State-developed standards relate to subjects not covered by Federal standards.



The State standards are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement along with the approved plan may be inspected and copied during normal business hours at the following locations; Office of the Commissioner of Labor, Kentucky Department of Labor, U.S. 127 South Building, Frankfort, Kentucky 40601, Office of the Regional Administrator, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30367, and Office of the Director of Federal Compliance and State Programs, Room N3603, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the Kentucky State Plan as a proposed change and in making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are essentially identical to the Federal standards and are deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirements of State law and further participation would be unnecessary.

The decision is effective October 8, 1982. (Sec. 18, Pub. L. 91-596; 84 Stat. 1608 [29 U.S.C. 667])

Signed at Atlanta, Georgia, this 18th day of November, 1981.

Karen L. Mann,

Acting Regional Administrator.

[FR Doc 82-27777 Filed 10-7-82; 8:45 am]

BILLING CODE 4510-26-M

## Office of Pension and Welfare Benefit Programs

[Application No. D-3598]

### Proposed Exemption for Certain Transactions Involving the MCD Enterprises, Inc.; Profit Sharing Plan Located in Seabrook, Md.

**AGENCY:** Pension and Welfare Benefit Programs Office, Labor.

**ACTION:** Notice of proposed exemption.

**SUMMARY:** This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the

Code). The proposed exemption would exempt the proposed sale of a parcel of real property (the Property) by the MCD Enterprises, Inc. Profit Plan (the Plan) to Mr. Albert Turner (Turner), a party in interest with respect to the Plan. The proposed exemption, if granted, would affect Turner, the participants and beneficiaries of the Plan and other persons participating in the transaction.

**DATES:** Written comments and requests for a public hearing must be received by the Department on or before November 18, 1982.

**ADDRESS:** All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-3598. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

#### FOR FURTHER INFORMATION CONTACT:

Louis Campagna of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by Turner, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

#### Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan with approximately 49 participants and total assets, as of July 16, 1982, of \$257,502. MCD Enterprises, Inc. of Maryland (the Employer) is the sponsor of the Plan. The Plan was terminated in December of 1978. In August of 1980, the Employer sold all of its assets to Oppenheimer & Co., Inc. (Oppenheimer). Oppenheimer subsequently created with purchased assets of the Employer and wholly owns, MCD Enterprises, Inc. of Delaware. The Employer continues as an inactive corporation having no assets. Turner is a trustee of the Plan and was a director and chief executive officer of the Employer and until September 30, 1981 was chairman of the board of MCD Enterprises, Inc. of Delaware.

2. The Property was originally purchased by the Plan in January of 1972 from Turner and his wife for the sum of \$165,334. The Property abuts on its western boundary certain real property owned by MCD Employee Associates (MCD Associates), a joint venture comprised of former employees and shareholders of the Employer. This parcel owned by MCD Associates, in turn, abuts on its western boundary real property owned by Turner and his wife. MCD Enterprises, Inc. of Delaware own property which abuts the Property, the property owned by MCD Associates and the property owned by Turner and his wife. The Property has no frontage on a public street and has no legal access. The applicant represents that at the time of the acquisition by the Plan of the Property an Outer Beltway around Washington, D.C. was programmed to cross the Property and an industrial air park was scheduled to be constructed in the surrounding area. As a result, the trustees of the Plan determined that the purchase of the Property for the Plan would be in its best interest. These projects, however, were cancelled and the applicant represents the value of the Property has subsequently declined.

3. Fredric B. Lauterbach, MAI, an independent appraiser of Upper Marlboro, Maryland and Donald V. Urquist, MAI, SRPA, an independent appraiser of Upper Marlboro, Maryland determined that, as of February 4, 1982 and December 31, 1982, the fair market values of the Property were \$115,000 and \$121,000, respectively. Turner proposes to purchase the Property from the Plan for the average of the two appraisals, \$118,000. Messrs. Lauterbach and Urquist represent that there is little or no market demand for the Property or the adjacent properties and that the Property has no more value to Turner than it would have to an unrelated



purchaser. The sale will be for cash and no expenses of any kind will be charged the Plan. The applicant represents that as a result of the sale of the Employer to Oppenheimer the Plan is terminating and the proposed sale of the Property would provide adequate liquidity to allow for final distribution to Plan participants. Also, the Property, due to the current lack of development potential, is not appreciating in value. In addition, the Plan has been unsuccessful in its attempts to sell the Property to an unrelated party. On May 21, 1982, the trustees of the Plan placed the Property for sale to the general public. After listing the Property for a period of one month in the *Washington Post* and with the Prince George's County Board of Realtors no ready, willing and able buyers were obtained.

4. The applicant represents that the proposed sale of the Property satisfies the statutory criteria of section 408(a) of the Act because: (1) It will be a one-time transaction for cash; (2) no expenses will be charged the Plan; (3) the Property is landlocked, its value is declining and it produces no income for the Plan; (4) the Plan is terminating and liquidity necessary for final distribution to plan participants will be generated; and (5) the applicant has been unsuccessful in its attempt to sell the Property to an unrelated party.

#### Notice to Interested Persons

Notice of the proposed exemption will be given to all participants and beneficiaries of the Plan by first-class mail within 10 days of the publication of the notice of pendency in the *Federal Register*. The notice will include a copy of the notice as it appears in the *Federal Register* as well as a statement informing interested persons of their right to comment and request a hearing on the proposed exemption.

#### General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of

the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

#### Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

#### Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed sale of the Property by the Plan to Turner for \$118,000 in cash, provided this amount is not less than the fair market value of the Property at the date of the sale.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 1st day of October, 1982.

Alan D. Lebowitz,

*Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.*

[FR Doc. 82-27773 Filed 10-7-82; 8:45 am]

BILLING CODE 4510-29-M

#### [Prohibited Transaction Exemption 82-161; Exemption Application No. D-3247]

#### Exemption From the Prohibitions for Certain Transactions Involving the Pension Plan for Members of the Graphic Arts International Union, Local 109-B, Located in Brattleboro, Vt.

**AGENCY:** Pension and Welfare Benefit Programs Office, Labor.

**ACTION:** Grant of individual exemption.

**SUMMARY:** This exemption would exempt the participation by the Pension Plan for Members of the Graphic Arts International Union, Local 109-B (the Plan) in a loan (the Loan) by the First Vermont Bank and Trust Company (the Bank) to Book Press, Inc. (the Employer), a party in interest with respect to the Plan.

**FOR FURTHER INFORMATION CONTACT:** Louis Campagna of the Office of Fiduciary Standard, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-8883. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** On June 29, 1982, notice was published in the *Federal Register* (47 FR 28182) of the pendency before the Department of Labor (the Department) on a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for transactions described in an application filed by the trustees of the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested



persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicants have represented that they have complied with the requirements of notice of interested persons as described in the notice of pendency.

The Department received three comments from interested persons with respect to the proposed exemption. One of the commentators who opposed the exemption request was anonymous. The other two commentators also requested a public hearing. Subsequently one commentator withdrew his comment and request for a hearing and one commentator submitted additional information and comments she had with respect to the transactions and requested that the Department determine if the comments and information warranted a public hearing. The Department has determined that the commentator did not offer information of sufficient substance to warrant a public hearing. Therefore, the Department, considering the record as a whole, has determined that the exemption should be granted as proposed.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

#### General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest

of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

#### Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 408(a), 406(b)(1), 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the Plan's participation in the Loan by the Bank to the Employer through the purchase of participation certificates (Participation Certificates) in amounts up to \$300,000, provided the terms and conditions of the Participation Certificates held by the Plan are as favorable to the Plan as the Plan could obtain in a similar transaction with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 30th day of September, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-27774 Filed 10-7-82; 8:45 am]

BILLING CODE 4510-29-M

#### [Application No. D-3508]

#### Proposed Exemption for Certain Transactions Involving Seafirst Mortgage Corp.; Located in Seattle, Wash.

**AGENCY:** Pension and Welfare Benefit Programs Office, Labor.

**ACTION:** Notice of proposed exemption.

**SUMMARY:** This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed use of assets of employee benefit plans (the Plans) with regard to which Seafirst Mortgage Corporation (SMC) or an affiliate of SMC is a party in interest for permanent loans to persons (the Borrowers) who will use the loan proceeds to pay off construction loans originated by SMC. The proposed exemption, if granted, would affect SMC and its affiliates, the Borrowers, Plans and their participants and beneficiaries.

**DATE:** Written comments must be received by the Department on or before November 8, 1982.

**ADDRESS:** All written comments (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-3508. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Sandler of the Department, telephone (202) 523-8195. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** Notice is hereby given of the pendency before the Department of an application for



exemption from the restrictions of section 406(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code. The proposed exemption was requested in an application filed by SMC, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

#### Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. SMC is a wholly-owned subsidiary of Seattle-First National Bank (SFNB), a national banking association. SFNB is a wholly-owned subsidiary of Seafirst Corporation, a bank holding company. Among other business activities, SMC makes loans to developers of real property for the construction of office buildings, shopping centers, apartment complexes, condominium developments, warehouses and manufacturing facilities and for the refinancing of such projects. The developer is responsible for obtaining a commitment for a permanent loan to pay off SMC's construction loan at such time as the construction of the improvements on the real property is completed.

2. SMC also contracts with mortgage lenders providing permanent financing on construction projects to service their loans. For a fee SMC collects the scheduled loan payments from the borrower and remits them to the lender, establishes reserves for and pays insurance and taxes, prepares yearly statements as to interest paid by the borrower, and takes such steps as are necessary to collect delinquent payments, including referral to an attorney for foreclosure if necessary. When SMC is the construction lender on a project, SMC may, after the permanent lender is identified, contract with the lender to service the permanent loan after SMC's construction loan is paid off. SMC also contracts to provide loan servicing to permanent lenders with respect to projects in which SMC has no

role as construction lender. SMC is currently servicing mortgage loans on behalf of approximately twelve Plans. SMC has no discretionary authority with regard to the management or disposition of any assets of the Plans.

3. At the time SMC enters into a commitment to extend a construction loan to a developer, the source of permanent financing for the project may or may not be known to SMC. There is no scheme or arrangement between SMC, SFNB, Seafirst Corporation, their subsidiaries and affiliates, and the Plans or the Borrowers regarding construction and permanent loan financing.

4. Among other activities, SFNB, its subsidiaries (other than SMC) and affiliates (hereinafter collectively referred to as the Seafirst Companies) perform ministerial services for the Plans. These services consist solely of holding, receiving, handling, and disbursing trust funds and assets as instructed by the Plan, or an independent third party fiduciary. With respect to such Plans, the Seafirst Companies have no discretionary authority over the management or disposition of Plan assets.

5. SMC requests an exemption for the class of transactions where a Plan extends permanent financing to a developer to be used to pay off a construction loan made by SMC to the developer where, at the time of the commitment or actual extension of the permanent financing, SMC is a party in interest solely by reason of (a) the existence of a mortgage loan servicing contract between SMC and the Plan with respect to the same or another project, or (b) the provision of ministerial, non-discretionary services to the Plan by the Seafirst Companies. The requested exemption would not apply to any transaction involving a Plan for which any of the Seafirst Companies performed fiduciary functions, or exercised discretionary authority over the management or disposition of Plan assets.

6. It is represented that investment by the Plans in real estate ventures as permanent lenders is common in the current real estate financing market. The applicant asserts that an exemption is appropriate for the transactions described herein because of the lack of potential for abuse, and because a denial would unduly restrict a Plan's choice of potential Borrowers to those who have not secured construction financing from SMC or the Seafirst Companies.

7. In summary, it is represented that the proposed transactions satisfy the

statutory criteria of section 408(a) for the following reasons:

(a) All Plan decisions relating to the transactions discussed herein would be made by third party Plan fiduciaries who are independent of SMC and the Seafirst Companies;

(b) SMC and the Seafirst Companies would have no discretionary authority with regard to the management or disposition of the assets of the Plans; and

(c) The applicant represents that there will be no scheme or arrangement between SMC, the Seafirst Companies, the Plans, and the Borrowers regarding construction and permanent loan financing.

#### General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or



statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

#### Written Comments

All interested person are invited to submit written comments on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

#### Proposed Exemption

Based on the facts and representatives set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to the use of Plan assets for permanent loans to Borrowers who will use the loan proceeds to pay off construction loans originated by SMC, as described above.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 1st day of October, 1982.

Alan D. Lebowitz,

*Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.*

[FR Doc. 82-27775 Filed 10-7-82; 8:45 am]

BILLING CODE 4510-29-M

#### Wage and Hour Division

##### Certificates Authorizing the Employment of Learners at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and Administrative Order No. 1-76 (41 FR

18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

The following normal labor turnover certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended).

Big River Mfg. Co., Kittanning, PA; 8-31-82 to 8-30-83; 10 percent of the total number of factory production workers. (Boys' shirts)

Bland Sportwear, Inc., Bland, VA; 7-24-82 to 7-23-83; 10 learners. (Men's and boys' shirts)

The following normal labor turnover certificates were issued under the knitted wear industry regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35, as amended.)

Junior Form Lingerie, Inc., Boswell, PA; 8-19-82 to 8-18-83; 5 percent of the total number of factory production workers. (Ladies' underwear and sleepwear)

Louis Gallet, Inc., Uniontown, PA; 6-22-82 to 6-21-83; 5 learners. (Ladies' sweaters)

Each learner certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum wages is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available.

The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before October 25, 1982.

Signed at Washington, D.C., this 1st day of October, 1982.

Arthur H. Korn,

*Authorized Representative of the Administrator.*

[FR Doc. 82-27709 Filed 10-7-82; 8:45 am]

BILLING CODE 4510-27-M

#### MERIT SYSTEMS PROTECTION BOARD

##### Issuance of Orders Regarding Regulation Review

**AGENCY:** Merit Systems Protection Board.

**ACTION:** Notice of order.

**SUMMARY:** 5 U.S.C. 1205(e) authorizes the Board to review rules and regulations issued by the Office of Personnel Management (OPM), and their implementation by other Federal agencies in order to determine if they have required or would require any federal employee to commit a prohibited personnel practice in violation of 5 U.S.C. 2302(b). The Senior Executive Association has petitioned the Board pursuant to 5 U.S.C. 1205(e)(1)(B), to review 5 CFR Part 359, Subpart H, described below. After considering the initial request, the Board has determined that the petition shall be denied.

**FOR FURTHER INFORMATION CONTACT:** Bruce Mayor, Office of General Counsel, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, D.C. 20419, (202) 653-7171.

**SUPPLEMENTARY INFORMATION:** 5 CFR, Part 359, Subpart H, which was issued by OPM on January 15, 1982, sets forth conditions under which an agency may furlough career appointees in the Senior Executive Service.

Dated September 30, 1982.

Herbert E. Ellingwood,  
*Chairman.*

[FR Doc. 82-27577 Filed 10-7-82; 8:45 am]

BILLING CODE 7400-01-M

#### NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

##### Meeting

October 5, 1982.

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended, notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Sunday, Monday, and Tuesday, October 24-26, 1982. The meeting will be held in Rooms 418 and B-100, Page Building #1, 2001 Wisconsin Avenue, NW., Washington, D.C.

The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations, and State and local government, was established by Congress by Pub. L. 95-63, on July 5, 1977. Its duties are to (1)



undertake a continuing review, on a selective basis of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of reports as may from time to time be requested by the President or Congress.

The Tentative Agenda is as follows:

*Sunday, October 24, 1982*

Page Building #1, Room 418, 2001 Wisconsin Avenue NW., Washington, D.C.

2:00 p.m.-6:00 p.m., Panel meeting

- Coast Guard, Chairman: Michael R. Naess

Topic: Panel Work Session

*Monday, October 25, 1982*

Page Building #1, Rooms 418 & B-100, 2001 Wisconsin Avenue NW., Washington, D.C.

9:00 a.m.-12:30 p.m., Plenary

9:00 a.m.-9:30 a.m., Announcements

9:30 a.m.-11:30 a.m., ADM J.S. Gracey,

Commandant, U.S. Coast Guard

11:30 a.m.-12:30 p.m., Marine Minerals Report

Overview Panel Chairman: Burt Keenan

12:30 p.m.-1:30 p.m., Lunch

1:30 p.m.-2:30 p.m., Plenary

- Position on OCS Leasing and Fisheries, Jay Lanzillo

2:30 p.m.-5:00 p.m., Panel meetings

- Radioactive Waste Disposal, Chairman: John A. Knauss, Room 418

Speakers: Charles Osterberg, Department

of Energy; John Hinck, Greenpeace,

Seattle; Clifton Curtis, Center for Law

and Social Policy; Gordon Thompson,

Union of Concerned Scientists

• Coast Guard, Chairman: Michael R.

Naess, Room B-100

Topic: Panel Work Session

5:00 p.m., Recess

*Tuesday, October 26, 1982*

Page Building #1, Room 418 & B-100, 2001 Wisconsin Avenue NW., Washington, D.C.

8:30 a.m.-10:00 a.m., Panel meetings

- Hydrology, Chairman: Paul Bock, Room B-100

Topic: Panel Work Session

- Ocean Satellites, Chairman: FitzGerald Bemiss, Room 418

Topic: Panel Work Session—Draft Position Statement

10:00 a.m.-12:30 p.m., Plenary

- Review and approval of Marine Transportation Report, Panel Chairman: Don Walsh

12:30 p.m.-1:30 p.m., Lunch

1:30 p.m.-3:30 p.m., Plenary

- Coast Guard—Summary Report, Panel Chairman, Michael Naess

• Ocean Satellites—Position Statement, Panel Chairman, FitzGerald Bemiss

• Hydrology Review Status, Panel

Chairman, Paul Bock

#### • Action Items

3:30 p.m., Adjourn.

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

Dated: October 5, 1982.

Steven N. Anastasion,

Executive Director.

[FR Doc. 82-27686 Filed 10-7-82; 8:45 am]

BILLING CODE 3510-12-M

### NATIONAL COMMISSION ON SOCIAL SECURITY REFORM

#### National Commission on Social Security Reform; Meeting

**AGENCY:** National Commission on Social Security Reform.

**ACTION:** Notice of cancellation of meeting.

**SUMMARY:** This notice announces the cancellation of a forth-coming meeting of the National Commission on Social Security Reform. This notice also describes the functions of the Commission. Notice of cancellation of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of the cancellation of this meeting.

**DATE:** October 18, 1982, 2:00 p.m. to 6:00 p.m.

**ADDRESS:** Room 5110 Dirksen Senate Office Building, Washington, DC 20510.

**FOR FURTHER INFORMATION CONTACT:** Robert J. Myers, Executive Director, 736 Jackson Place, N.W., Washington, DC 20503; Telephone (202) 395-5132.

**SUPPLEMENTARY INFORMATION:** The National Commission on Social Security Reform is established by Executive Order No. 12335 dated December 16, 1981 to provide appropriate recommendations to the Secretary of Health and Human Services, the President, and the Congress on long-term reforms to put Social Security back on a sound financial footing.

Records are kept of all Commission proceedings, and are available for public inspection at the office of The Executive Director, National Commission on Social Security Reform, 736 Jackson Place, N.W., Washington, DC 20503.

Robert J. Myers,

Executive Director.

[FR Doc. 82-27792 Filed 10-7-82; 8:45 am]

BILLING CODE 3115-01-M

### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

#### Design Arts Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Arts Advisory Panel to the National Council on the Arts will be held on October 12-13, 1982, from 9:30 a.m.-5:00 p.m. in room 1426 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on October 12, from 9:30 a.m.-10:15 a.m.; 11:15 a.m.-12:30 p.m., and 3:30 p.m.-5:00 a.m. This meeting will also be open on October 13, from 9:30 a.m.-5:00 p.m. to discuss leadership activities and guidelines.

The remaining sessions of this meeting on October 12, from 10:15 a.m.-11:15 a.m. and 2:00 p.m.-3:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the national Foundation on the Arts and Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants, and for discussion and development of confidential FY 1984 budgetary materials to be submitted to the Office of Management and Budget and the Congress. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National



Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

October 5, 1982.

[FR Doc. 82-27802 Filed 10-7-82; 8:45 am]

BILLING CODE 7537-01-M

### Institute of Museum Services, Meeting

**AGENCY:** National Foundation on the Arts and Humanities (NFAH).

**ACTION:** Notice of meeting.

**SUMMARY:** This notice sets forth the schedule and agenda of a forthcoming meeting of the National Museum Services Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

**DATE:** October 23, 1982.

**ADDRESS:** National Gallery of Art, East Wing.

### FOR FURTHER INFORMATION CONTACT:

Denna Jones, Executive Assistant to the National Museum Services Board, 330 C St. SW, Room 4006, Washington, D.C. (202) 426-6577.

**SUPPLEMENTARY INFORMATION:** The National Museum Services Board is established under Title II of the National Museum Services Act of the "Arts, Humanities, and Cultural Affairs Act of 1976", Pub. L. 94-462. The Board is established to have the responsibility for the general policies with respect to the powers, duties, and authorities vested in the Institute under this title.

The meeting of the Board is open to the public on October 23, 1982 from 9:30 a.m. to 4:00 p.m. The agenda includes:

Code of Federal Regulations 34, Part 64  
1983 General Operating Support and Special Projects Grant Application Packet

Records are kept of all Board meetings and proceedings, and are available for public inspection at the office of the Institute of Museum Services from the hours of 9:00 a.m. to 5:30 p.m. Monday through Friday.

Dated: Tuesday, October 5, 1982.

Lilla Tower,

Director, IMS.

[FR Doc. 82-27805 Filed 10-7-82; 8:45 am]

BILLING CODE 4000-02-M

## NATIONAL SCIENCE FOUNDATION

### Subcommittee for Mathematical Sciences of the Advisory Committee for Mathematical and Computer Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463 as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Mathematical Sciences of the Advisory Committee for Mathematical and Computer Sciences.

Date and time: October 27-30, 1982—9:00 a.m. each day.

Place: Room 338, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

#### Type of Meeting:

10/27 CLOSED—9:00 a.m. to 5:00 p.m.

10/28 CLOSED—9:00 a.m. to 5:00 p.m.

10/29 OPEN—9:00 a.m. to 5:30 p.m.

10/30 OPEN—9:00 a.m. to 12:30 p.m.

Contact Person: Dr. William G. Rosen, Head, Mathematical Sciences Section, Room 304, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357-7341. Anyone planning to attend this meeting should notify Dr. Rosen no later than October 22.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in Mathematical Sciences.

Agenda: Wednesday, October 27, 1982—9:00 a.m. to 5:00 p.m.—CLOSED:

External peer oversight of Mathematical Sciences Section programs

Thursday, October 28, 1982—9:00 a.m. to 5:00 p.m.—CLOSED:

External peer oversight of Mathematical Sciences Section programs

Friday, October 29, 1982—9:00 a.m. to 5:30 p.m.—OPEN:

9:00 a.m.—Introductory remarks: Dr. William G. Rosen, Head, Mathematical Sciences Section

9:30 a.m.—Remarks: Edward A. Knapp, Assistant Director for Mathematical and Physical Sciences

10:00 a.m.—Cross-program review—problems and opportunities: James G. Glimm, Chairman

11:30 a.m.—Large-scale scientific computing: Peter D. Lax, member NSB

12:30 p.m.—Lunch

1:30 p.m.—Federal support for the mathematical sciences: Ettore F. Infante, Division Director, Division of Mathematical and Computer Sciences

2:30 p.m.—Report on the status of several special projects: Alvin I. Thaler, Program Director, Special Projects, MSS

4:00 p.m.—Allocation of resources

5:30 p.m.—Adjourn

Saturday, October 30, 1982—9:00 a.m. to 12:30 p.m.—OPEN:

9:00 a.m.—Report on progress on NRC

Committee on Resources for the Mathematical Sciences: Kenneth Hoffman, Executive Director

10:00 a.m.—Support of applied research:

Victor Barcion, Program Director, Applied Mathematics, MSS

10:30 a.m.—Future Subcommittee activities and assignments

11:30 a.m.—Comments from visitors

12:30 p.m.—Adjourn

Reason for Closing: The Subcommittee will be reviewing grants and declination jacket which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

Dated: October 4, 1982.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 82-27759 Filed 10-7-82; 8:45 am]

BILLING CODE 7555-01-M

### Committee on Equal Opportunities in Science and Technology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Committee on Equal Opportunities in Science and Technology.

Place: Rm. 540, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Date: Thursday and Friday, October 28-29, 1982.

Time: Thursday, 9-5 p.m.; Friday, 9-3 p.m.

Type of Meeting: Open.

Contact Person: Mrs. Mary Poats, Executive Secretary of the Committee, National Science Foundation, Rm. 537, 1800 G Street, N.W., Washington, D.C. 20550, Telephone 202/357-9571.

Purpose of Committee: To provide advice to the Foundation on policies and activities of the Foundation to encourage full participation of women, minorities and other groups currently underrepresented in scientific, engineering, professional and technical fields. Summary Minutes: May be obtained from the contact person at the above stated address.

Agenda: To review progress by the two subcommittees of the NSF Committee on Equal Opportunities in Science & Technology and to meet with the Director and the Deputy Director and NSF staff.



Dated: October 4, 1982.

**M. Rebecca Winkler,**  
Committee Management Coordinator.  
[FR Doc. 82-27758 Filed 10-7-82; 8:45 am]  
BILLING CODE 7555-01-M

### Executive Committee of the Advisory Committee for Ocean Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Executive Committee of the Advisory Committee for Ocean Sciences.  
Date and Time: October 28 and 29, 1982—9:00 a.m. to 5:00 p.m. each day.  
Place: Room 1240 A, National Science Foundation, 1800 G Street, NW., Washington, DC.

Type of Meeting: Open.  
Contact Person: Dr. M. Grant Gross, Director, Division of Ocean Sciences, Room 609, National Science Foundation, Washington, DC 20550, Telephone (202) 357-9639.

Summary Minutes: May be obtained from the contact person, Dr. M. Grant Gross at the above address.

Purpose of Committee: To provide advice and recommendations concerning oceanographic research and its support by the NSF Division of Ocean Sciences.

28 October 0900

- I. Welcome to the committee and general introductions, Dr. Gross
- II. Adoption of the Agenda, Drs. Heath and Gross will present the agenda, requesting suggestions for additions, deletions or modifications
- III. Approval of Minutes of the 26-27 May 1982 Executive Committee Meeting
- IV. AAEO Status Report—Update on FY83 budget allocations for AAEO Divisions and implications for OCE, Dr. Johnson
- V. 1982 OSRS Program Oversight Reviews, presentation of reports and discussion of each program by members of the Oversight Review Subcommittee, Drs. Duce, Eppley, Ewing, and Robinson

1145 Lunch

1315 VI. Long Range Planning

- (a) Discuss ship planning, UNOLS Task Group study
- (b) Other facilities planning, Mr. La Count, Mr. McMillan and Mr. Clark

1700 Adjourn

29 October 0900

VII. OCE Program Balance:

- (a) Facilities and research support
- (b) Applied and basic research support, Dr. Wall and Mr. La Count

VIII. SBIR Program:

- (a) Background, status, and implications for NSF/OCE budgets, Mr. Robert D. Lauer, Head, Industrial Support Section, ISTI

IX. Update on status of scientific ocean drilling, Dr. Allen M. Shinn, Jr.

X. Report on climate research, Dr. Ferris Webster

1145 Lunch

1315

XI. OFS Program Oversight Review in calendar year 1983. OCE staff and the Committee will discuss plans for conducting the triennial review as required by NSF Circular 147

XII. Other Business:

- (a) Selection of new members of the Executive Committee
- (b) Establish date for next Executive Committee meeting

1700 Adjourn

Dated: October 4, 1982.

**M. Rebecca Winkler,**  
Committee Management Coordinator.  
[FR Doc. 82-27760 Filed 10-7-82; 8:45 am]  
BILLING CODE 7555-01-M

### Subpanel on Linguistics; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on Linguistics of the Advisory Panel for Behavioral and Neural Sciences.

Date and Time: October 28 and 29, 1982, 9:00 a.m. to 5:00 p.m. each day.

Place: Room 1240, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Paul G. Chapin, Program Director, Linguistics Program, Room 320, National Science Foundation, Washington, D.C. 20550, telephone (202) 357-7696.

Summary Minutes: May be obtained from the contact person, Dr. Paul G. Chapin, at the above stated address.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in Linguistics.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: October 4, 1982.

**M. Rebecca Winkler,**  
Committee Management Coordinator.  
[FR Doc. 82-27755 Filed 10-7-82; 8:45 am]  
BILLING CODE 7555-01-M

### Subpanel for Memory and Cognitive Processes; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Behavioral and Neural Sciences, Subpanel on Memory and Cognitive Processes.

Date and Time: October 25-26, 1982, 9:00 a.m.-5:00 p.m. each day.

Place: National Science Foundation, 1800 G St., N.W., Washington, D.C. 20550, Room 642.

Type of Meeting: Closed—9:00 a.m. to 5:00 p.m.

Contact Person: Dr. Joseph L. Young, Program Director, Memory and Cognitive Processes Program, Room 320, National Science Foundation, Washington, D.C. 20550, telephone (202) 357-9898.

Summary Minutes: May be obtained from the Contact Person, Dr. Joseph L. Young, at the above stated address.

Purpose of Panel: To provide advice and recommendations concerning support for research in memory and cognitive processes.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10 (d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: October 4, 1982.

**M. Rebecca Winkler,**  
Committee Management Coordinator.  
[FR Doc. 82-27756 Filed 10-7-82; 8:45 am]  
BILLING CODE 7555-01-M

### Subpanel on Metabolic Biology of the Advisory Panel for Physiology, Cellular and Molecular Biology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subpanel on Metabolic Biology of the Advisory Panel for Physiology, Cellular and Molecular Biology.

Date and time:

October 28, 1982 (9:00 am to 6:00 pm)

October 29, 1982 (9:00 am to 6:00 pm)

October 30, 1982 (9:00 am until finished)



Place: Conference Room 543, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Place of Meeting: Closed.

Contact Person: Dr. Elijah B. Romanoff, Program Director, Metabolic Biology, Room 325, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357-7987.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in metabolic biology.

Agenda: To review research proposals and advise the program staff as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: October 4, 1982.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 82-27757 Filed 10-7-82; 8:45 am]

BILLING CODE 7555-01-M

#### Subpanel on Molecular Biology, Group A, of the Advisory Panel for Physiology, Cellular, and Molecular Biology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meetings:

Name: Subpanel on Molecular Biology, Group A, of the Advisory Panel for Physiology, Cellular, and Molecular Biology.

Date and Time: October 25 and 26, 1982, 9:00 a.m. to 5:00 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Arthur Kowalsky, Program Director, Biophysics Program, Room 329, National Science Foundation, Washington, D.C. 20550.

Purpose of Subpanel: To provide advice and recommendations concerning support for research in Molecular Biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries and personal information concerning individuals associated with the proposals.

These matters are with exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority To Close Meeting: This determination was made by the Committee Management Office pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: October 4, 1982.

M. R. Winkler,

Committee Management Coordinator.

[FR Doc. 82-27754 Filed 10-7-82; 8:45 am]

BILLING CODE 7555-01-M

#### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-322-OL-2 ASLBP No. 82-478-05-OL (Security Proceeding)]

#### Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1); Order of Continuance

Pursuant to agreement among the parties and for good cause shown, it is determined that the In Camera Conference of Counsel scheduled in the above matter for October 5, 1982 is continued to Tuesday, October 12, 1982 at 8:30 o'clock a.m. at the Nuclear Regulatory Commission Hearing Room located at 4350 East-West Highway, Fifth Floor, Bethesda, Maryland.

Dated at Bethesda, Maryland this 4th day of October, 1982.

James A. Laurenson,

Administrative Law Judge.

[FR Doc. 82-27750 Filed 10-7-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

#### GPU Nuclear Corporation and Jersey Central Power and Light Co.; Consideration of Issuance of Amendment to Provisional Operating License

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-16 issued to GPU Nuclear Corporation and Jersey Central Power and Light Company (the Licensees), for operation of the Oyster Creek Nuclear Generating Station located in Ocean County, New Jersey.

The amendment would approve expansion of the spent fuel storage capacity from 1800 to 2600 spent fuel assemblies. Such approval would allow the pool to be sequentially reracked with free-standing, high-density poisoned racks.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By November 8, 1982, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject provisional operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

No later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall



be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000. The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Dennis M. Crutchfield: (petitioner's name and telephone number), (date petition was mailed); (plant name); and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036, attorney for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a) (i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated August 20, 1982, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington D.C., and at 101 Washington Street, Toms River, New Jersey 08753. The licensees intend to submit a final report in June, 1983, which will address the

areas of reactivity considerations, the pool's structural adequacy and the heat load in the pool in more detail.

Dated at Bethesda, Maryland this 28th day of September, 1982.

**Note.**—This corrects a notice published on October 4, 1982, 47 FR 43817, which indicated an incorrect file date.

For the Nuclear Regulatory Commission,  
Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5,  
Division of Licensing.

[FR Doc. 82-27748 Filed 10-7-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-62]

### University of Virginia; Renewal of Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. R-66, which renews the license for the operation of the pool-type reactor (the facility) located on the campus of the University of Virginia (the licensee) in Charlottesville, Virginia. The facility is a research reactor that has been operating at power levels not in excess of two (2) megawatts thermal.

The amendment extends the duration of Facility License No. R-66 for twenty years from the date of issuance of the amendment.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR, Chapter I. Those findings are set forth in the license amendment. Notice of the proposed issuance of this action was published in the **Federal Register** on September 1, 1977 at 42 FR 44039. No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an Environmental Impact Appraisal for the renewal of the Facility Operating License, and has concluded that an Environmental Impact Statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

For further details with respect to this action, see (1) the application for amendment dated March 9, 1977, as supplemented by filings dated December 18, 1978, January 19, 1979, September 18, 1979, July 15, 1980, February 12, 1981,

August 19, 1981, March 11, 1982, March 19, 1982, May 18, 1982, June 7, 1982 and August 27, 1982; (2) Amendment No. 15 to License No. R-66; and (3) The Commission's related Safety Evaluation Report and Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

A copy of items (2) and (3) may be obtained upon request from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of September 1982.

For the Nuclear Regulatory Commission,  
Cecil O. Thomas,

Acting Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 82-27749 Filed 10-7-82; 8:45 am]

BILLING CODE 7590-01-M

### OFFICE OF PERSONNEL MANAGEMENT

#### Federal Prevailing Rate Advisory Committee; Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on: Thursday, November 4, 1982 and Thursday, November 18, 1982.

These meetings will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal Blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under Subchapter IV, Chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature



disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW, Washington, D.C. 20415 (202-632-9710).

William B. Davidson, Jr.,

Chairman, Federal Prevailing Rate Advisory Committee.

October 4, 1982.

[FR Doc. 82-27699 Filed 10-7-82; 8:45 am]

BILLING CODE 6325-01-M

## PANAMA CANAL COMMISSION

### Agency Forms Submitted to the Office of Management and Budget for Clearance

**AGENCY:** Panama Canal Commission (PCC).

**ACTION:** Notice of forms submitted to OMB for review.

**TITLE OF INFORMATION COLLECTION:** Procurement Related Forms.

**BACKGROUND:** In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the PCC hereby gives notice that it has submitted to Office of Management and Budget an SF-83, "Request for OMB Review," for the information collection identified above.

**ADDRESS:** Written comments may be sent to Barbara Fuller, Assistant to the

Secretary for Commission Affairs, Panama Canal Commission, Suite 312, Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004 or to Anita Ducca, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3228, New Executive Office Building, Washington, D.C. 20503.

#### FOR FURTHER INFORMATION CONTACT:

For a complete copy of the information collection proposal or related information, contact Barbara Fuller, Telephone: 202-724-0104 or OMB Desk Officer Anita Ducca, 202-395-7340.

**SUMMARY:** This document gives notice that the PCC has submitted to OMB a request for approval of the PCC procurement-related forms. The forms will be issued to contractors and potential contractors. The information which is requested on the forms and clauses derive from, are in compliance with and conform to, the Federal Procurement Regulations (41 CFR Chapter 1). Also, the information requested is necessary to establish certain U.S. contractors as designated PCC contractors so that they may receive specified benefits pursuant to Article XI of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977. The information on the forms will be used to evaluate competitive and noncompetitive price offers, proposals and bids. On the basis of such evaluations, purchase orders and contracts will be awarded for the purpose of obtaining supplies, materials, equipment and services necessary for the operation and maintenance of the Panama Canal.

Dated: September 15, 1982.

Pandora G. Aleman,

Acting Senior Official for Information Resources Management, Panama Canal Commission.

[FR Doc. 82-27747 Filed 10-7-82; 8:45 am]

BILLING CODE 3640-01-M

## POSTAL SERVICE

### Proposed Changes in INTELPOST Service Acceptance Procedures

**AGENCY:** Postal Service.

**ACTION:** Notice with invitation for public comments.

**SUMMARY:** In response to requests, the Postal Service proposes an additional acceptance option for the convenience of customers of INTELPOST service, an international electronic mail service. The additional option would enable customers establishing advance deposit accounts to tender their mail to a

designated INTELPOST acceptance facility by means of standard telephonic facsimile equipment and services provided by private industry. The Postal Service also proposes that present acceptance options for INTELPOST service, in which customers bring their mail, or cause it to be brought, to designated postal acceptance facilities, be extended to three additional metropolitan areas.

**DATE:** Comments must be received on or before November 8, 1982.

**ADDRESS:** Written comments should be sent to the Assistant General Counsel, Special Projects Division, U.S. Postal Service, Washington, D.C. 20260-1116. Comments will be available for public inspection and photocopying outside Room 9010, 475 L'Enfant Plaza West, S.W., Washington, D.C., from 9 A.M. to 4 P.M., Monday through Friday.

#### FOR FURTHER INFORMATION CONTACT:

Charles R. Braun, (202) 245-4620.

#### SUPPLEMENTARY INFORMATION:

INTELPOST service is an international electronic mail service which has been offered to the public in a limited way since 1980. INTELPOST service employs a uniquely-computerized intercontinental facsimile system managed by a group of cooperating national postal administrations. The system can reduce the time for exchanging documentary mail matter between post offices in different countries to as little as a few seconds a page. The service now offers prompt postal delivery of a sharp black-and-white copy of the sender's document, in designated places in Canada, the United Kingdom, and the Netherlands, from designated U.S. postal acceptance facilities in the New York and Washington, D.C. metropolitan areas. Customers or their agents may bring their documents to these facilities for acceptance, or may send them to an INTELPOST Service Center in New York or Washington, D.C., by Express Mail or First-Class Mail service.<sup>1</sup>

In recent months, several prospective customers have independently contacted the Postal Service to ask for an expansion of INTELPOST service acceptance options so as to relieve them of the requirement that the mail be delivered by physical means to a designated postal acceptance facility. These customers already operate

<sup>1</sup>Regulations concerning INTELPOST are found in Postal Service Publication No. 252, which may be obtained by writing or calling the Office of International Electronic Message Systems, Research and Technology Group, USPS Headquarters, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260-8020 (telephone (202) 245-5274).



facsimile transceivers on their own premises which meet "CCITT Group 3" standards.<sup>2</sup>

It would be convenient for these customers to employ the transceivers already on their premises, together with their own telephone service, to transmit copies of their documents directly into a designated U.S. postal acceptance facility. Although the uniquely-computerized INTELPOST system is not compatible with any other facsimile system, each INTELPOST Service Center operated by the Postal Service contains a "Group 3" transceiver for back-up purposes. Such a transceiver could receive and print a copy of the sender's document, and the document copy could be processed in the facility for INTELPOST service delivery abroad in the same manner as documents brought physically to post offices for acceptance into INTELPOST service.

Customers seeking acceptance of facsimile copies through the proposed additional method would be required to prepay postage by establishing advance deposit accounts which would be charged as their documents were received and accepted at the postal acceptance facility. Customers could then dial the postal transceiver, which would receive documents on a first-come first-serve basis. The basic rate of postage would continue to be the same \$5 per message page regardless of whether the document had been brought physically or telecommunicated into a designated acceptance facility. The acceptance facility designated for documents originating as facsimile copies would be located in Washington, D.C. The facsimile copies accepted by the Postal Service would be returned by mail to the sender endorsed to confirm the acceptance of the article into INTELPOST service. No copies of documents (other than the transmittal sheet copies needed for billing and auditing purposes) would be retained by the Postal Service in either physical or electronic form. The Postal Service would not assume any responsibility for the telecommunication of facsimile copies of documents over public telephone circuits from the customer's premises to the designated postal acceptance facility.

<sup>2</sup>"CCITT" is the abbreviated name of the internationally-recognized Consultative Committee of the International Telecommunications Union. The Committee's Group 3 standards apply to facsimile transceivers which send or receive documents in less than one minute per page. All transceivers which conform to CCITT Group 3 standards may send or receive documents to or from each other over public telephone circuits even if the transceivers have been designed or made by different manufacturers.

The Postal Service also proposes that the acceptance procedures already in effect in the New York City and Washington, D.C. metropolitan areas be established in Houston, Chicago, and San Francisco.

In order to obtain the views of customers, facsimile transceiver manufacturers, and other interested parties, the Postal Service has decided to invite public comments on the proposed changes in INTELPOST service acceptance procedures before initiating any procedural changes in Publication 252, referred to in footnote 1, above. If the proposal is adopted, a notice of the adoption of the proposal will be published in the **Federal Register**, (39 U.S.C. 101, 401, 403, 407)

Fred Eggleston,

*Assistant General Counsel, Legislative Division.*

[FR Doc. 82-27727 Filed 10-7-82; 8:45 am]

BILLING CODE 7710-12-M

## SMALL BUSINESS ADMINISTRATION

[Application No. 05/05-0161]

### Impact Capital Corp.; Application for License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1982)), under the name of Impact Capital Corporation, Route 2, Box 8, Turtle Lake, Wisconsin 54889, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*) and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholder of the Applicant are as follows:

Name and address	Title and relationship	Percentage of ownership
William F. Bay, RFD 3, Box 131A, Cumberland, WI 54829.	Chairman, Director .....	0
Dileip R. Rao, 6315 Lyndale Avenue, S110, Minneapolis, MN 55423.	President, Director .....	0
Martin B. English, Route 4, Box 56H, Cumberland, WI 54829.	Vice-President, Director.	0
Donald E. Wick, Route 2, Box 8, Turtle Lake, WI 54889.	Secretary, Treasurer, Director.	0

Name and address	Title and relationship	Percentage of ownership
Joseph A. Gietz, Route 3, Box 253A, Cumberland, WI 54829.	Director .....	0
Impact Seven, Inc., Route 2, Box 8, Turtle Lake, WI 54889.	Shareholder .....	100

Impact Seven, Incorporated, a Wisconsin Corporation formed in 1970, is a private non-profit, non-stock, tax-exempt corporation. No other shareholder will directly or indirectly own 10 percent or more of the Applicant.

The Applicant will begin operations with \$505,000 of private capital derived from the sale of 1,010 shares to Impact Seven, Incorporated. The Applicant will conduct its operations in the States of Wisconsin and Minnesota.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness in accord with the Act and Regulations.

Notice is hereby given that any person may not later than October 25, 1982 submit written comments on the proposed company to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Turtle Lake, Wisconsin.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 4, 1982.

Robert G. Lineberry,

*Deputy Associate Administrator for Investment.*

[FR Doc. 82-27789 Filed 10-7-82; 8:45 am]

BILLING CODE 8025-01-M

## [Declaration of Disaster Loan No. 2066]

### Kentucky; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that the County of Letcher in the State of Kentucky constitutes a disaster area because of damage resulting from severe storms and flooding beginning on September 14, 1982. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on



November 29, 1982, and for economic injury until the close of business on June 29, 1983, at: U.S. Small Business Administration, Federal Office Building, Room 188, P.O. Box 3517, 600 Federal Place, Louisville, Kentucky 40201; or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Homeowners with credit available elsewhere .....	14%
Homeowners without credit available elsewhere .....	7%
Businesses with credit available elsewhere .....	13%
Businesses without credit available elsewhere .....	8
Businesses (EIDL) without credit available elsewhere .....	8
Other (non-profit organizations including charitable and religious organizations) .....	11%

It should be noted that assistance for agriculture enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: October 1, 1982.

James C. Sanders,  
Administrator.

[FR Doc. 82-27786 Filed 10-7-82; 8:45 am]

BILLING CODE 8025-01-M

#### [License No. 04/04-0189]

#### Kitty Hawk Capital, Ltd.; Filing of an Application for Approval of a Conflict of Interest Transaction

Notice is hereby given that Kitty Hawk Capital, Ltd. (KHCL), 2195 First Union Plaza, Charlotte, North Carolina 28282, A Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed on application pursuant to Section 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1982)) for an exemption from the provisions of the conflict of interest regulation.

This exemption, if granted, will permit KHCL and one of its limited partners, Close Family Partnership (CFP), to provide financing totaling \$600,000 to Burris Industries, Inc. (Burris), Post Office Box 698, Lincolnton, North Carolina 28092. Financing will be in the form of eight year notes and the purchase of warrants and common stock.

The proceeds will be used by Burris to avoid bankruptcy.

The contemporaneous financing by KHCL and its associate, CFP, will require an exemption from the provisions of § 107.1004(b)(1) of the Regulations.

Notice is hereby given that any person may, no later than 15 days from the date of publication of this Notice, submit to the Small Business Administration, in writing, relevant comments on the proposed transaction. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Charlotte, N.C. and Lincolnton, N.C.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 5, 1982.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 82-27790 Filed 10-7-82; 8:45 am]

BILLING CODE 8025-01-M

#### [Declaration of Disaster Loan No. 2067]

#### Puerto Rico; Declaration of Disaster Loan Area

The Municipality of Guayanilla within the Commonwealth of Puerto Rico was declared a disaster area as a result of heavy rains and flooding which occurred on September 12-13, 1982. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on December 2, 1982, and for economic injury until the close of business on July 5, 1983, at: U.S. Small Business Administration, Federal Building, Room 691, Carlos Chardon Avenue, Hato Rey, Puerto Rico 00919; or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Homeowners with credit available elsewhere .....	14%
Homeowners without credit available elsewhere .....	7%
Businesses with credit available elsewhere .....	13%
Businesses without credit available elsewhere .....	8
Businesses (EIDL) without credit available elsewhere .....	8
Other (non-profit organizations including charitable and religious organizations) .....	11%

It should be noted that assistance for agriculture enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: October 4, 1982.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 82-27787 Filed 10-7-82; 8:45 am]

BILLING CODE 8025-01-M

#### Reporting and Recordkeeping Requirements Under OMB Review

**AGENCY:** Small Business Administration.

**ACTION:** Notice of reporting requirements submitted for OMB review.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the *Federal Register* notifying the public that the agency has made such a submission.

**DATE:** Comments must be received on or before November 1, 1982. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the agency clearance officer of your intent as early as possible.

**COPIES:** Copies of the proposed form, the request for clearance (S.F. 83), supporting statement, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

#### FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20416, telephone (202) 653-8538

OMB Reviewer: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395-4814

#### SUPPLEMENTARY INFORMATION:

##### Forms Submitted for Review

Title: Request for Counseling  
Form No.: SBA 641

Frequency: On Occasion

Description of Respondents: Small business owners interested in obtaining management counseling.

Annual Responses: 80,000

Annual Burden Hours: 13,333

Type of Request: New (Resubmission)



Title: Application for Membership in SCORE and ACE  
 Form No.: SBA 610  
 Frequency: On Occasion  
 Description of Respondents: Individuals interested in volunteering to join SCORE (Service Corps of Retired Executives) or ACE (Active Corps of Executives) to provide management counseling.  
 Annual Responses: 2,800  
 Annual Burden Hours: 2,100  
 Type of Request: New (Resubmission)  
 Title: Management Development Plan  
 Form Nos.: SBA 933, 1099, 1100, 1107  
 Frequency: On Occasion  
 Description of Respondents: Small business owners obtaining management assistance from an SBA resource.  
 Annual Responses: 35,000  
 Annual Burden Hours: 122,500  
 Type of Request: Extension (Resubmission)  
 Title: Status of Guaranty Loan Balances  
 Form No.: SBA 1175  
 Frequency: Quarterly  
 Description of Respondents: Financial institutions participating in SBA loan guaranty agreements.  
 Annual Responses: 5,000  
 Annual Burden Hours: 20,000  
 Type of Request: New (Resubmission)  
 Title: Small Business Institute School Selection Criteria  
 Form No.: SBA 1902  
 Frequency: On Occasion  
 Description of Respondents: Colleges and universities wishing to be considered for participation in SBA's Small Business Institute Program.  
 Annual Responses: 60  
 Annual Burden Hours: 20  
 Type of Request: New  
 Dated: October 5, 1982.  
 Elizabeth M. Zaic,  
 Chief, Paperwork Management Branch, Small Business Administration.  
 [FR Doc. 82-27785 Filed 10-7-82; 8:45 am]  
 BILLING CODE 8025-01-M

[License No. 02/02-0439]

**Transworld Ventures, Ltd.; Issuance of a License To Operate as a Small Business Investment Company**

On March 12, 1982, a Notice was published in the Federal Register (47 FR 10936) stating that Transworld Ventures, Ltd., 501 Fifth Avenue, Suite 708, New York, New York 10017, had filed an application with the Small Business Administration pursuant to § 107.102 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.102 (1982)), for a license to operate as a small business investment company.

Interested parties were given until the close of business March 27, 1982, to submit their comments. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA on September 17, 1982, issued License No. 02/02-0439 to Transworld Ventures, Ltd., pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: October 4, 1982.

Robert G. Lineberry,  
 Deputy Associate Administrator for Investment.

[FR Doc. 82-27788 Filed 10-7-82; 8:45 am]

BILLING CODE 8025-01-M

**Region VIII Advisory Council; Public Meeting**

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Fargo, North Dakota, will hold a public meeting at 9:30 A.M., Thursday, October 28, 1982, at the Federal Building, Room 319, 657 Second Avenue North, Fargo, North Dakota, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Robert L. Pinkerton, District Director, U.S. Small Business Administration, 657-2nd Avenue North, Fargo, North Dakota 58102—(701) 237-5771, extension 5131.

Dated: October 4, 1982.

Jean M. Nowak,  
 Acting Director, Office of Advisory Councils.

[FR Doc. 82-27791 Filed 10-7-82; 8:45 am]

BILLING CODE 8025-01-M

**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

**Trade Policy Staff Committee (TPSC) Solicitation of Public Views on Market Distortion Case on Canned Mushrooms, From the Peoples' Republic of China (PRC)**

On September 30, 1982, the U.S. Trade Representative received for the President the report of the U.S. International Trade Commission (USITC) on whether canned mushrooms from the PRC are causing market disruption as defined by section 406 of the Trade Act of 1974, as amended (19 U.S.C. 2436).

The USITC was equally divided (by 2-2 vote) on the question of whether

market disruption exists. The two Commissioners voting in the affirmative recommended quantitative restrictions on imports from the PRC in the amount of 21 million pounds (drained weight) per year for a 3 year period. The President may consider the determination agreed upon by either group of Commissioners as the determination of the USITC (19 U.S.C. 1330(d)(1)).

The U.S. Trade Representative, with the advice of the interagency Trade Policy Committee, must advise the President on: first whether to consider the affirmative or negative group of two votes as the determination of the USITC on market disruption; and, second, if the affirmative votes are chosen as the determination, then he must determine what method and amount of import relief to impose (unless he determines that import relief is not in the national economic interest).

In determining whether to provide import relief, and, if so, what method and amount of relief to impose, the President must take into account:

1. The probable effectiveness of the import relief as a means of promoting adjustment, the efforts being made or to be implemented by the industry concerned to adjust to import competition, and other considerations relevant to the position of the industry in the nation's economy;

2. The effect of import relief on consumers and on competition in the domestic market for the product;

3. The effect of import relief on the international economic interest of the United States;

4. The impact on U.S. industries and firms as a consequence of any possible modification of duties or other import restrictions which may result from international obligations with respect to compensation;

5. The geographic concentration of imported products marketed in the United States;

6. The extent to which the U.S. market is a focal point for exports of such articles by reason of restraints on export of such article to, or on imports of such article into, third country markets; and

7. The economic and social costs which would be incurred by taxpayers, communities and workers if import relief were or were not provided.

In addition, the President may consider any other factors he deems relevant.

In order to assist in the preparation of the recommendation for the President, the TPSC welcomes briefs from interested parties on the issues being considered. Briefs should be submitted



in 20 copies, in conformance with 15 CFR 2003, to the Secretary, TPSC, Room 500, Office of the United States Trade Representative, 600 17th Street, NW., Washington, D.C. 20506. In order to be fully considered briefs should be submitted as soon as possible, but in any event not later than the close of business Wednesday, October 20, 1982.

Additional information can be found in USITC report No. TA-406-9. For further information contact William Triplett (202-395-4543) or Robert Simpson (202-395-5006). Legal issues should be referred to C. Michael Hathaway (202-395-3432).

Frederick L. Montgomery,  
*Chairman, Trade Policy Staff Committee.*

[FR Doc. 82-27721 Filed 10-7-82; 8:45 am]

BILLING CODE 3190-01-M

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## DEPARTMENT OF THE TREASURY

### Customs Service

[T.D. 82-185]

#### **Customs Approved Public Gauger; Approval of Public Gauger Performing Gauging Under Standards and Procedures Required by Customs**

Notice is hereby given pursuant to the provisions of section 151.43 of the Customs Regulations (19 CFR 151.43) that the application of Thornton Laboratories, Inc., 1145 East Cass Street,

Tampa, Florida 33601, to gauge imported petroleum and petroleum products in the Customs Districts of Miami, New Orleans and Houston, in accordance with the provisions of § 151.43, Subpart C, of the Customs Regulations is approved.

Dated: October 4, 1982.

A. Piazza,  
*Acting Director, Entry Procedures and  
Penalties Division.*

[FR Doc. 82-27797 Filed 10-7-82; 8:45 am]

BILLING CODE 4820-02-M

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[T.D. 82-186]

#### **Customs Approved Public Gauger; Approval of Public Gauger Performing Gauging Under Standards and Procedures Required by Customs**

Notice is hereby given pursuant to the provisions of section 151.43 of the Customs Regulations (19 CFR 151.43) that the application of Thionville Surveying Company, Inc., 5440 Pepsi Street, New Orleans, Louisiana 70183, to gauge imported petroleum and petroleum products in all Customs districts in accordance with the provisions of § 151.43, Subpart C, of the Customs Regulations is approved.

Dated: October 4, 1982.

A. Piazza,  
*Acting Director, Entry Procedures and  
Penalties Division.*

[FR Doc. 82-27798 Filed 10-7-82; 8:45 am]

BILLING CODE 4820-02-M



# Sunshine Act Meetings

Federal Register

Vol. 47, No. 196

Friday, October 8, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 96-583, 5 U.S.C. 552b(e)(3)).

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## 1

### CIVIL AERONAUTICS BOARD

**TIME AND DATE:** October 7, 1982.

**PLACE:** Room 1025, 25 Connecticut Avenue, N.W., Washington, D.C. 20428.

#### SUBJECT:

1. Ratification of Resolutions Adopted by Notation.
2. Dockets 40951 and 40976, Applications of Interstate Airlines and International Air Service Company and IASCO, respectively, for an exemption from section 401(o) of the Act. (BDA, OGC)
3. Commuter carrier fitness determination of F&F Aircraft Leasing, Inc. d.b.a. Finair Express. (Memo 1435-A, BDA, OGC)
4. Commuter carrier fitness determination of Flight Trails, Inc. d.b.a. Air Resorts Airlines. (Memo 1517, BDA)
5. Dockets 40899, 40900 and 40901, Applications of Jet USA Airlines, Inc. under Subpart Q of the Board's Regulations for certificates of public convenience and necessity under section 401(d)(1) to engage in interstate and overseas air transportation and under section 401(b)(3) to engage in charter foreign air transportation and application of Jet USA Airlines, Inc., Arthur S. Hill, and Fred R. Wright for approval of interlocking relationships under section 409. (Memo 1519, BDA)
6. Docket 40674, Certificate application of Air Polynesia, Inc., t/a DHL Cargo filed under Subpart Q. (Memo 1435-B, BDA)
7. Docket 40925, Application of Alaska Island Air, Inc., under expedited procedures, for a section 401 certificate. (BDA)
8. Docket 40898, Application of Ryan Air Service, Inc., under expedited procedures, for a section 401 certificate. (BDA)

9. Docket 40992, 30-day notice by Eagle Commuter Airlines, Inc. of its intent to suspend service at Brownwood, Texas. (BDA, OCCCA)

10. Dockets 39843 and NR-460, Notice of Hawaiian Airlines to suspend service at Kanaela, Hawaii. (BDA, OCCCA)

11. Dockets 39864 and EAS-813, Western's notice to suspend service at Pierre, South Dakota, and Pioneer's petition to reopen bidding for Pierre. (BDA, OCCCA, OC)

12. Dockets EAS-353 and EAS-365, Essential Air transportation determinations of Alamosa and Cortez, Colorado. (BDA, OCCCA, OGC)

13. Dockets 40612 and EAS-631, EAS determination for Sheridan, Wyoming. (BDA, OCCCA, OGC)

14. Dockets EAS-565 and 37501, Request for review of the essential air service determination for Hazleton, PA, established by Order 81-8-34. (BDA)

15. Dockets 34556 and EAS-427, Renewal of subsidized essential air service at London/Corbin, Kentucky. (Memo 006-A, BDA, OCCCA, OGC)

16. Dockets 33363, 32806, 32607, *Former Large Irregular Air Service Investigation, Applications of Worldwide Airlines, Inc.* (Memo 1509, OGC)

17. Elimination of Time and Mileage Guides. (Memo 1507, OGC, BIA, BDA)

18. Dockets 39932, 36294, 39504, Denied Boarding Compensation. (OGC, BDA, BIA, OC, OEA, OCCCA)

19. Docket 39932, Motion of ACAP for oral argument or an additional comment period in the comprehensive DBC rulemaking. (OGC)

20. Docket 40141, Application of Empresa Guatemalteca de Aviacion (AVIATECA) for renewal of its foreign air carrier permit. (BIA, OGC, BAL)

21. Docket 38623, Agreement CAB 28828 R-1 through R-31, IATA passenger agreement establishing resolutions, applicable worldwide, governing such matters as rates of exchange, currency conversion and rounding procedures, fare construction rules and certain discount fares. (Memo 1514, BIA)

22. Docket 35634, Agreement CAB 28838 R-1 through R-9, IATA agreement proposing a new U.S.-Africa cargo rate structure. (BIA)

23. Docket 40781, Application of Dominion Intercontinental Airlines, Inc. for a certificate of public convenience and necessity to engage in overseas and foreign air transportation. (BIA, OGC)

24. Dockets 40831, 40940, Applications of Arrow Airways, Inc. for certificate of public convenience and necessity and exemption (Denver-London). (Memo 1487-A, BIA, OGC, BAL)

25. Docket 40459, United States-Brazil/Argentina All-Cargo Proceeding. (Memo 1100-F, BIA, OGC)

**STATUS:** Open.

**PERSON TO CONTACT:** Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-1431-82 Filed 10-6-82; 9:24 am]

**BILLING CODE** 6320-01-M

## 2

### CIVIL RIGHTS COMMISSION

**PLACE:** Room 512, 1121 Vermont Avenue, N.W., Washington, D.C.

**DATE AND TIME:** October 12, 1982; 9:30 a.m.-12 noon; 1:30 p.m.-4 p.m.

**STATUS OF MEETING:** Items I-XII (open to public); Item XIII (closed to public).

#### MATTERS TO BE CONSIDERED:

- I. Approval of Agenda.
- II. Approval of Minutes of Last Meeting.
- III. Review of Tentative Findings of the San Jose Hearing.
- IV. Review of the Religious Discrimination Statement.
- V. Discussion of School Desegregation Issues.
- VI. Review of the Department of Education's Proposed Changes in Regulations for Handicapped Students.
- VII. State Advisory Committee Recharter:
  - A. Hawaii.
  - B. Massachusetts.
  - C. New Hampshire.
- VIII. Vermont Advisory Committee Report Entitled *Sexual Harassment on the Job: A Guide for Employers*.
- IX. New Hampshire Advisory Committee Report Entitled *Sexual Harassment on the Job: A Guide for Employers*.
- X. Iowa Advisory Committee Report Entitled: *Iowa Civil Rights Agencies*.
- XI. Civil Rights Developments in the Mid-Atlantic Region.
- XII. Staff Director's Report:
  - A. Status of Funds.
  - B. Personnel Report.
  - C. Office Directors' Reports.
- XIII. Personnel Issue (in close session).

**PERSON TO CONTACT FOR FURTHER INFORMATION:** Barbara Brooks, Press and Communications Division, (202) 254-6697.

[S-1445-82 Filed 10-6-82; 3:12 pm]

**BILLING CODE** 6335-01-M

## 3

### COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 10 a.m., Wednesday, October 13, 1982.

**PLACE:** 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

**STATUS:** Open.



**MATTERS TO BE CONSIDERED:**

Proposed Amendments to Regulation 1.33(a)  
(Monthly Customer Statements)  
First Quarter, FY 1983 Programs, Plans and  
Priorities

**CONTACT PERSON FOR MORE**

**INFORMATION:** Jane Stuckey, 254-6314.

[S-1432-82 Filed 10-6-82; 10:37 am]

**BILLING CODE 6351-01-M**

4

**FEDERAL COMMUNICATIONS COMMISSION**

October 6, 1982.

The following item has been deleted at the request of the Chairman's office from the list of agenda items scheduled for consideration at the October 6, 1982, Open Meeting and previously listed in the Commission's Notice of September 29, 1982.

*Agenda, Item No., and Subject*

**Renewal—1—Title:** License Renewal application of Provident Broadcasting Company for Station WQCK (FM), Manchester, Georgia. **Summary:** The East Central Alabama-West Central Georgia Minority Christian Broadcast Coalition filed a petition to deny alleging that licensee's programming does not serve the needs and interests of the local minority population and that licensee's employment practices regarding minorities do not comply with the Commission's EEO rules and policies. The Commission considers petitioner's allegations.

Issued: October 6, 1982.

**William J. Tricarico,**

*Secretary, Federal Communications Commission.*

[S-1441-82 Filed 10-6-82; 2:10 pm]

**BILLING CODE 6712-01-M**

5

**FEDERAL DEPOSIT INSURANCE CORPORATION**

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:00 p.m. on Sunday, October 3, 1982, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to provide financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), in order to facilitate the acquisition of Oklahoma National Bank and Trust Company, Oklahoma City, Oklahoma, by the First National Bank and Trust Company of Oklahoma City, Oklahoma City, Oklahoma.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than

seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Chairman's office, Room 6023, of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Dated: October 5, 1982.

Federal Deposit Insurance Corporation.

**Hoyle L. Robinson,**

*Executive Secretary.*

[S-1433-82 Filed 10-6-82; 11:18 am]

**BILLING CODE 6714-01-M**

6

**FEDERAL DEPOSIT INSURANCE CORPORATION**

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, October 4, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,202-L (Amended)—Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico

Case No. 45,423—The Greenwich Savings Bank, New York, New York

Memorandum re: Auditing Services for Penn Square Bank, National Association, and Deposit Insurance National Bank of Oklahoma City—Request for Authority to Expend Funds

Memorandum re: Implementation of Corporation-Wide Word Processing Program

By the same majority vote, the Board further determined that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: October 5, 1982.

Federal Deposit Insurance Corporation.

**Hoyle L. Robinson,**

*Executive Secretary.*

[S-1434-82 Filed 10-6-82; 11:18 am]

**BILLING CODE 6714-01-M**

7

**FEDERAL DEPOSIT INSURANCE CORPORATION**

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, October 4, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Discussion of Corporation policy regarding stock option plans involved in applications for Federal deposit insurance.

Recommendation regarding an Assistance Agreement entered into between the Corporation and an insured bank, pursuant to section 13(e) of the Federal Deposit Insurance Act.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: October 5, 1982.

Federal Deposit Insurance Corporation.

**Hoyle L. Robinson,**

*Executive Secretary.*

[S-1435-82 Filed 10-6-82; 11:18 am]

**BILLING CODE 6714-01-M**

8

**FEDERAL DEPOSIT INSURANCE CORPORATION**

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Tuesday, October 12, 1982, to consider the following matters:



Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance and for consent to exercise trust powers:

Resource Bank and Trust, an operating noninsured trust company, to be located at Opus Center, 9900 Bren Road East, Minnetonka, Minnesota.

Applications for consent to merge and establish branches:

Metropolitan Bank, Oak Grove, Oregon, for consent to merge, under its charter and with the title "United Bank of Oregon," with The Independent Bank of Sandy, Sandy, Oregon, and Willamette Falls State Bank, Oregon City, Oregon, and to establish the sole offices of The Independent Bank of Sandy and Willamette Falls State Bank as branches of the resultant bank.

Stratford Savings Bank, Dover, New Hampshire, for consent to merge, under its charter and with the title "Southeast Bank for Savings," with Granite State Savings Bank, Somersworth, New Hampshire, and to establish the four offices of Granite State Savings Bank as branches of the resultant bank.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,429-L—Franklin National Bank, New York, New York

Memorandum re: Replacement of FDIC Computer Center Disk Storage Devices.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or request approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Office of Corporate Audits:

Audit Report re: Travel Voucher Subsystem (Dated June 9, 1982)

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC

building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: October 5, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
Executive Secretary.

[S-1436-82 Filed 10-6-82; 11:18 am]

BILLING CODE 6714-01-M

## 9

### FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Tuesday, October 12, 1982, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation at (202) 389-4425.

Dated: October 5, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
Executive Secretary.

[S-1437-82 Filed 10-6-82; 11:18 am]

BILLING CODE 6714-01-M

## 10

### FEDERAL ELECTION COMMISSION

DATE AND TIME: Wednesday, October 13, 1982 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:  
Compliance, Litigation, Audits, Personnel.

DATE AND TIME: Thursday, October 14, 1982 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings  
Correction and approval of minutes  
FY '83 management plan  
Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Public Information Officer, telephone 202-523-4065.

Majorie W. Emmons,

Secretary of the Commission.

[S-1442-82 Filed 10-6-82; 2:17 pm]

BILLING CODE 6715-01-M

## 11

### FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., October 13, 1982.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Part of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Sea-land Service, Inc. Tariff FMC-F No. 34 applying between U.S. Atlantic and Gulf ports and ports in Puerto Rico and the U.S. Virgin Islands and Tariff FMC-F No. 53 applying between ports in Puerto Rico and



ports in Canada via Elizabeth, New Jersey—General Rate Increases.

2. The International Household Goods Rate Agreement (8470); the U.S. Hawaii/Puerto Rico/Guam Household Goods Rate Agreement (8480); and the U.S. Alaska Household Goods Rate Agreement (8490) (As Respondents in Docket No. 82-8): Motion to dismiss and petition for exemption from the independent policing authority requirement of General Order 7.

3. Agreement No. 10107-13: Modification of the Trans-Pacific Freight Conference (Hong Kong)/Independent Lines Rate Agreement—Deletion of Annual Reporting Requirements.

4. Agreements Nos. 10108-7 and 5700-29: Modifications of FMC Rate Agreement No. 10108, and the New York Freight Bureau to include intermodal transportation services.

Portion closed to the public:

1. Docket No. 82-35: In the Matter of Agreement No. 10423 Between Philippines, Micronesia & Orient Navigation Company and Matson Navigation Company—Consideration of Petition for Declaratory Order.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Joseph C. Polking, Assistant Secretary (202) 523-5725.

[S-1440-82 Filed 10-6-82; 1:04 pm]

**BILLING CODE 6730-01-M**

## 12

### FOREIGN CLAIMS SETTLEMENT COMMISSION

#### [Notice No. 5-82]

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

#### *Date, Time, and Subject Matter*

Tuesday, October 19, 1982, at 10:30 a.m.

Redetermination of claims against the Government of the Czechoslovak Socialist Republic and determination of claims against the Socialist Republic of Vietnam. Claims for prisoner of war compensation.

Tuesday, November 16, 1982, at 10:30 a.m.

Redetermination of claims against the Government of the Czechoslovak Socialist Republic and determination of claims against the Socialist Republic of Vietnam. Claims for prisoner of war compensation.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street, NW., Washington, D.C. Requests for information, or advance

notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 1111 20th Street, NW., Room 409, Washington, DC 20579. Telephone: (202) 653-6155.

Dated at Washington, D.C. on October 4, 1982.

Judith H. Lock,

*Administrative Officer.*

[S-1438-82 Filed 10-6-82; 11:21 am]

**BILLING CODE 4410-01-M**

## 13

### PAROLE COMMISSION

**TIME AND DATE:** 9 a.m. to 5:30 p.m., Wednesday, October 20, 1982.

**PLACE:** Room 420-F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

**STATUS:** Closed pursuant to a vote to be taken at the beginning of the meeting.

#### MATTERS TO BE CONSIDERED:

1. Appeals to the Commission of approximately 11 cases decided by the National Commissioners pursuant to a reference under 28 CFR 2.17 and appealed pursuant to 28 CFR 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

2. An application for a Certificate of Exemption under the Labor-Management Reporting and Disclosure Act of 1959, and the Employee Retirement Income Security Act of 1974.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492-5987.

[S-1443-82 Filed 10-6-82; 2:48 pm]

**BILLING CODE 4410-01-M**

## 14

### SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of October 4, 1982, at 450 5th Street, N.W., Washington, D.C.

A closed meeting will be held on Wednesday, October 6, 1982, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to

be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Thomas, Longstreth and Treadway voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, October 6, 1982, at 10:00 a.m., will be:

Litigation matter.

Regulatory matter bearing on current litigation.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Diane Klinke at (202) 272-2000.

October 5, 1982.

[S-1439-82 Filed 10-6-82; 1:04 pm]

**BILLING CODE 8010-01-M**

## 15

### SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of October 11, 1982, at 450 5th Street, N.W., Washington, D.C.

A closed meeting will be held on Wednesday, October 13, 1982, at 10:00 a.m. An open meeting will be held on Thursday, October 14, 1982, at 10:00 a.m. in Room 1C30.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9) (A) and (10) and 17 CFR 200.402(a) (4), (8), (9) (i) and (10).

Commissioners Evans, Thomas, Longstreth and Treadway voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, October 13, 1982, at 10:00 a.m., will be:

Formal orders of investigation.

Access to investigative files by Federal, State, or Self-Regulatory authorities. Institution of injunctive actions.



Institution of administrative proceedings of an enforcement nature.

The subject matter of the open meeting scheduled for Thursday, October 14, 1982, at 10:00 a.m., will be:

1. Consideration of whether to designate the General Counsel as the officer to whom any petition for review of any order or rule issued under the securities laws is to be transmitted. For further information, please contact Robert Mills at (202) 272-3070.

2. Consideration of whether to amend 17 CFR 200.80f, Appendix F, to reduce the retention period for certain classes of Commission records and to provide a fixed period for other Commission records where none was previously provided. For further information, contact Robert M. Duffey at (202) 272-2454.

3. Consideration of whether to issue a release announcing proposed rules designed, among other things, to provide minimum standards for registered transfer agents in the preparation and maintenance of accurate security-holders records and the safeguarding of funds and securities. For further information, please contact Jonathan Kallman at (202) 272-2775.

4. Consideration of whether to issue a release requesting public comment on a wide variety of questions relating to the security holder proposal process pursuant to Rule 14a-8 under the Securities Exchange Act of 1934 and soliciting comment with respect to three alternative proposals for dealing with that matter. For further information, please contact William E. Morley at (202) 272-2573.

5. Consideration of whether a renewed request for acceleration of the effective date of the registration statement of The School Street Fund, a money market fund which proposes to distribute its shares through a

wholly-owned subsidiary of a state-chartered savings bank, should be granted. For further information, please contact Diane Sanger at (202) 272-3014.

6. Consideration of whether to propose for public comment Rule 6c-7 under the investment Company Act of 1940, which would provide registered insurance company separate accounts and others with exemptive relief from various provisions of that Act to the extent necessary to permit them to comply with certain provisions of Texas law in connection with the sale of variable annuity contracts to certain employees of Texas institutions of higher education, and amended Rule 14a-2 under that Act, which would expand the availability of the exemptive relief presently provided by that rule. For further information, please contact Thomas P. Lemke at (202) 272-2061.

7. Consideration of whether to announce the withdrawal of proposed rule amendments which would have had the effect of excluding accountants from liability under Section 11 of the Securities Act of 1933 for reports on unaudited supplementary financial information as to the effects of changing prices and as to oil and gas reserves. For further information, please contact Linda Griggs at (202) 272-2130.

8. Consideration of whether to announce a new policy regarding the public availability of correspondence about the impact of certain relationships between registrants and accountants on the independence of such accountants. For further information, please contact Clarence Staubs at (202) 272-2130.

9. Consideration of whether to issue a release which proposes amendments to the Commission's rule regarding the independence of accountants. The proposed amendments would revise the definition of the term "member" in § 210.2-01(b) and make

minor technical changes to clarify the intent of the rule. The proposed revisions would cause Rule 2-01(b) to no longer apply to any professional employee of an accounting firm, provided that such employee is not involved in providing professional services to the subject client or any of its affiliates, and is not a managerial employee located in an office of the firm participating in a significant portion of the audit. For further information, please contact Clarence M. Staubs at (202) 272-2130.

10. Consideration of whether to issue orders approving proposed rule changes filed by the (1) American Stock Exchange ("Amex") relating to the trading of options on Treasury securities; (2) the Chicago Board Options Exchange, Incorporated ("CBOE") with respect to the trading of options on GNMA Securities and Treasury securities; (3) the Philadelphia Stock Exchange ("Phlx") with respect to options of foreign currency; and (4) the Options Clearing Corporation ("OCC") with respect to issuance of options of GNMA, Treasuries and foreign currencies and the establishment of a system for the clearance and settlement of such options. For further information, please contact Thomas G. Lovett at (202) 272-2913.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Diane Klinke at (202) 272-2000.

October 6, 1982.

[S-1444-82 Filed 10-6-82; 2:48 pm]

BILLING CODE 8010-01-M



# Estimate Part Federal Labor

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Friday  
October 8, 1982

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## Part II

## Department of Labor

Employment Standards Administration,  
Wage and Hour Division

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Minimum Wages for Federal and  
Federally Assisted Construction; General  
Wage Determination Decisions



## DEPARTMENT OF LABOR

Employment Standards  
Administration, Wage and Hour  
DivisionMinimum Wages for Federal and  
Federally Assisted Construction;  
General Wage Determination  
Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of

publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedes  
Decisions to General Wage  
Determination Decisions

Modifications and supersedes decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedes decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedes decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is

encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage  
Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

Colorado:		
COB2-5103	.....	Feb. 12, 1982.
COB2-5104	.....	Feb. 26, 1982.
Illinois:		
ILB1-2043	.....	July 17, 1981.
ILB2-2003	.....	Mar. 5, 1982.
Iowa: IA82-4030	.....	June 18, 1982.
Kansas: KA82-4015	.....	Apr. 16, 1982.
Louisiana: LA82-4020	.....	May 7, 1982.
Massachusetts: MA82-3005	.....	Apr. 30, 1982.
North Dakota: ND82-5130	.....	July 6, 1982.
Pennsylvania:		
PA80-3059	.....	Oct. 3, 1980.
PA82-3010	.....	Mar. 5, 1982.
PA82-3028	.....	Sept. 10, 1982.
Texas:		
TX82-4001	.....	Jan. 29, 1982.
TX82-4002	.....	Jan. 15, 1982.
TX82-4024	.....	June 18, 1982.
TX82-4026	.....	June 18, 1982.
TX82-4029	.....	June 18, 1982.
Utah: UT82-5121	.....	Sept. 3, 1982.
Virginia:		
VA82-3024	.....	July 23, 1982.
VA82-3023	.....	July 9, 1982.
VA82-3022	.....	July 9, 1982.
Wyoming: WY82-5106	.....	Mar. 12, 1982.

Supersedes Decisions to General Wage  
Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State. Supersedes decision numbers are in parentheses following the numbers of the decisions being superseded.

Georgia:		
GA82-1016(GA82-1059)	.....	Mar. 5, 1982.
GA82-1017(GA82-1058)	.....	Mar. 5, 1982.
Illinois: ILB0-2072(ILB2-2047)	.....	Aug. 15, 1980.
Iowa: IA81-4098(IA82-4049)	.....	Nov. 27, 1981.
Kentucky: KY80-1098(KY82-1060)	.....	Aug. 22, 1980.
Mississippi: MS81-1173(MS82-1061)	.....	Jan. 30, 1981.
Pennsylvania: PA81-3044(PA82-3027)	.....	Aug. 7, 1981.
Tennessee: KY80-1098(KY82-1060)	.....	Aug. 22, 1980.

Cancellation of General Wage  
Determination Decisions

The general wage decision listed below is cancelled. Agencies with construction projects pending to which



the cancelled decision would have been applicable should utilize the project determination procedure by submitting Form SF-308. See Regulations Part 1 (29 CFR), Section 1.5. Contracts for which bids have been opened shall not be affected by this notice. Also consistent with 29 CFR, 1.7(b)(2), the incorporation of the cancelled decision in contract specifications, the opening of bids is within ten (10) days of this notice, need not be affected.

NJ79-3033—Gloucester County, New Jersey, dated October 12, 1979 in 44 FR 59060—Residential Construction

This is to advise all interested parties that the Department of Labor intends to withdraw 14 days from the date of this notice the following general wage determinations:

KY77-1102—Knox, Laurel, McCreary, Pulaski, Rockcastle, Wayne and Whitley Counties, Kentucky, dated August 26, 1977, in 42 FR 3305—Building Construction

KY77-1154—Bell County, Kentucky, dated December 23, 1977, in 42 FR 64617—Building Construction

KY81-1293—Davies County, Kentucky, dated September 25, 1981, in 46 FR 47400—Building Construction

KY81-1298—Henderson County, Kentucky, dated October 16, 1981, in 46 FR 51158—Building Construction

Signed at Washington, D.C. this 1st day of October 1982.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M



MODIFICATION PAGE 1

DECISION NO. C082-5103 (Cont'd)

DECISION NO. C082-5103 - Mod. #7

DECISION NO. C082-5103 - Mod. #7	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
(47 FR 6549 February 12, 1982) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit, and Weld Counties, Colorado	\$14.045 15.80 17.56	\$17.03	\$17.03
Change: Carpenters: (Area 1): Denver County ONLY: Zone 1 Zone 2 Zone 3 Fringe Benefits: \$3.46			
Labors: Building Construction: Adams, Arapahoe, Denver, Eagle and Jefferson Counties ONLY: Group 1 Group 2 Group 3 Fringe Benefits: \$2.59	ZONE 1 \$9.94 10.23 10.75	ZONE 1 \$9.95 10.23 10.75	ZONE 2 \$10.45 10.73 11.25
Truck Drivers: Building Construction: Arapahoe, Boulder, Denver, Jefferson, and Larimer Counties ONLY: Group 1 Group 2 Group 3 Fringe Benefits: \$2.59	ZONE 2 \$10.45 10.73 11.25		
DECISION NO. C082-5104 - Mod. #10 - (47 FR 8497-February 26, 1982) El Paso County, Colorado			
Change: Laborers: Group 1 Group 2 Group 3 Fringe Benefits: \$2.59			
DECISION NO. C082-5103 - Mod. #2 (46 FR 37167 - July 17, 1981) Sangamon County, Illinois			
Change: Laborers: Unskilled Semi-Skilled Skilled	\$14.10 14.30 14.45		
DECISION NO. IL82-2003 - Mod. #3 (47 FR 9659 - March 5, 1982) Adams, Bond, ... Winnebago, & Woodford Counties, Illinois			
Change: Laborers: Area 1: Unskilled Semi-Skilled Skilled Area 2: Unskilled Semi-Skilled Skilled Area 3: Unskilled Semi-Skilled Skilled Area 4: Unskilled Semi-Skilled Skilled	12.96 13.06 13.16 13.21 13.26 13.31 13.36 13.47 13.51 13.56 13.66 13.81 13.86 13.91 13.96 14.06 14.16 14.26 14.46		

MODIFICATION PAGE 2

DECISION NO. MA82-3005 - Mod. #1

DECISION NO. IA82-4030 - Mod. #7

DECISION NO. KS82-4015 - Mod. #3

DECISION NO. LA82-4020 - Mod. #9

DECISION NO. ND81-5130 - Mod. #2

DECISION NO. MA82-3005 - Mod. #1 (47 FR 18737 - April 30, 1982) BERKSHIRE, FRANKLIN, HAMPDEN, FRANKLIN, MASSACHUSETTS	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
CHANGE: PLUMBERS & STEAMFITTERS: FRANKLIN COUNTY (Orange) HAMPDEN COUNTY; HAMPSHIRE COUNTY; BERKSHIRE COUNTY (Otis, Becket, Sandfield, FRANKLIN CO. (Remainder of County) BERKSHIRE CO. (Remainder of County); FRANKLIN CO. (Monroe, Towle and Western part of Charlemont)	15.07	1.85+4*			
a. Paid Holidays (for employees who have been employed seven days prior to the holiday for the same employer): July 4th and Labor Day	15.82	2.61+a			
DECISION NO. ND81-5130 - Mod. #2 (46 FR 35005 - July 6, 1981) Statewide, North Dakota	16.25	3.10			
DECISION NO. IA82-4030 - Mod. #7 (47 FR 26537 - 6/18/82) Black Hawk, Cerro Gordo, Clinton, Des Moines, Dubuque, Johnson, Linn & Polk Cos., Iowa	\$13.26	2.44			
CHANGE: Ironworkers: Zones 2 & 8					
DECISION NO. KS82-4015 - Mod. #3 (47 FR 16525-April 16, 1982) Douglas, Jefferson, Leavenworth, Miami and Shawnee Counties, Kansas	\$14.97	\$1.95			
Change: Cement Masons: Zone 1					
DECISION NO. LA82-4020 - Mod. #9 (47 FR 19880 - 5/7/82) Statewide Louisiana					
CHANGE: Power equipment operators: Zone 6 - Group 1 Group 2 Group 3 Group 4 Group 5 Group 6 Group 7 Group 8 Group 9 Group 10 Group 11 Group 12	\$14.86 15.11 15.36 15.61 16.11 16.86 17.58 18.61 19.21 19.95 20.53	1.95 1.95 1.95 1.95 1.95 1.95 1.95 1.95 1.95 1.95 1.95 1.95			
CHANGE: Power Equipment Operators Group 1 Group 2 Group 3 Group 4 Group 5 Group 6 Group 7 Group 8 Group 9 Group 10	\$11.42 11.25 11.08 11.02 10.73 11.46 9.38 9.20 9.08 8.68	1.65 1.65 1.65 1.65 1.65 1.65 1.65 1.65 1.65 1.65			



MODIFICATION PAGE 3

DECISION NO. PA80-3059 MOD. NO. 10 (45 FR 6585 - October 3, 1980) Erie County, Pennsylvania	Basic Hourly Rates	Fringe Benefits
CHANGE: Carpenters Soft Floor Layers Roofers: Composition	\$13.60 13.60 15.34	.05+27% .05+27% 1.57
POWER EQUIPMENT OPERATORS: Class 1 Class 2 Class 3 Class 4 Class 5 Class 5-A Class 5-B Class 6 Class 6-A Class 6-B	16.12 16.41 16.98 16.96 15.62 15.45 13.96 13.67 13.96 14.44 14.69 13.96 13.67	2.30 2.30 2.30 2.30 2.30 2.30 2.30 2.30 2.30 2.30 2.30 2.30 2.30
DECISION NO. PA82-3010 MOD. NO. 1 (47 FR 39972 - Sept. 10, 1982) Elk, Forest, McKean, Warren Counties, Pennsylvania CHANGE: LABORERS: Wrecking Laborers POWER EQUIPMENT OPERATOR: Class 1-A Class 1-B Class 1-C Class 2 Class 3 Class 4 Class 5 Class 6 Class 6-A Class 6-C	12.50 15.075 15.325 15.575 15.825 14.925 12.85 13.35 12.20 11.15 11.45 11.55 11.70 12.45	17% 3.07 3.07 3.07 3.07 3.07 3.07 3.07 3.07 3.07 3.07 3.07 3.07 3.07
DECISION NO. PA82-3010 MOD. NO. 4 (47 FR 9684 - March 5, 1982) Clinton, Centre, Huntingdon, Fulton & Mifflin Cos., Pa. CHANGE: POWER EQUIPMENT OPERATORS: Class 1 Class 1-A Class 1-B Class 1-C Class 2 Class 3 Class 3-A Class 4 Class 5 Class 6 Class 6-A Class 6-C	15.075 15.325 15.575 15.825 14.925 12.85 13.35 12.20 11.15 11.45 11.55	3.07 3.07 3.07 3.07 3.07 3.07 3.07 3.07 3.07 3.07 3.07

MODIFICATION PAGE 4

DECISION NO. TX82-4001 - MOD. #8 (47 FR 4463 - 1/29/82) Armstrong, Carson, Castro, Childress, Collingsworth, Dallas, Deaf Smith, Don- ley, Gray, Hansford, Hart- ley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas CHANGE: Asbestos workers Electricians: Cable splicers Plumbers & pipefitters	Basic Hourly Rates	Fringe Benefits
DECISION NO. TX82-4002 - MOD. #7 (47 FR 2472 - 1/15/82) Wichita County, Texas CHANGE: Plasterers	\$14.50 14.48 15.93 14.55	2.37 1.30+ 3% 2.56
DECISION NO. TX82-4024 - MOD. #6 (47 FR 26548 - 6/18/82) Travis County, Texas CHANGE: Carpenters: Carpenters Millwrights Glaziers Plasterers	13.50 14.36 14.61 13.06 14.09	.01 1.82 1.82 1.37 1.61
DECISION NO. TX82-4026 - MOD. #5 (47 FR 26547 - 6/18/82) Lubbock County, Texas CHANGE: Asbestos workers	14.50	2.37
DECISION NO. UT82-5121 - Mod. #1 (47 FR 39085 - September 3, 1982) Statewide, Utah Change: Sprinkler Fitters	\$15.92	\$2.83
DECISION NO. TX82-4029 - MOD. #7 (47 FR 26552 - 6/18/82) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas CHANGE: Building Construction: Plasterers	\$14.09	1.61
Decision No. VA82-3024-Mod. #2 (47 FR 32034-July 23, 1982) York County & the Cities of Hampton and Newport News (including Langley AFB, Fort Eustis and Fort Monroe, Virginia CHANGE: CEMENT MASONS: Cement Masons Machine and Scaffold Men	Basic Hourly Rates	Fringe Benefits
Decision No. VA82-3023-Mod. #1 (47 FR 29983-July 9, 1982) The Cities of Chesapeake, Portsmouth & Virginia Beach, Virginia CHANGE: CEMENT MASONS: Cement Masons Machine and Scaffold Men ELECTRICIANS AND CABLE SPLICERS LINE CONSTRUCTION: LINEMEN AND CABLE SPLICERS PLUMBERS AND STEAMFITTERS	10.85 10.95 13.45 13.45 13.30	.40 .40 98+1.00 98+1.60 2.02
Decision No. VA82-3022-Mod. #1 (47 FR 29984-July 9, 1982) Henrico County & the Inde- pendent City of Richmond, Virginia CHANGE: CEMENT MASONS MACHINE MEN PLUMBERS AND PIPEFITTERS	11.25 11.35 14.45	1.95
DECISION NO. WV82-5106- Mod. #4 (47 FR 10968 - March 12, 1982) Converse, Goshen, Laramie, Niobrara and Platte Counties, Wyoming Change: Bricklayers; Stonemasons: Area 1	Basic Hourly Rates	Fringe Benefits
	\$14.24	\$.57



## SUPERSEDES DECISION

STATE: GEORGIA

DECISION NUMBER: GA82-1059

Supersedes Decision Number GA82-1016, dated March 5, 1982, in 47 FR 9656.

DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four (4) stories).

COUNTY: RICHMOND

DATE: DATE OF PUBLICATION

Basic Hourly Rates	Fringe Benefits
\$12.85 14.50	.92 3.015
11.90 12.88 11.50	.02
13.35 13.60	1.45+3 <sup>24</sup> 1.45+3 <sup>24</sup>
11.36 7.95 5.68 12.30	2.465+ 2.465+ 1.83
7.56	.43
7.71	.43
7.76	.43
13.65 13.90	1.15+3 <sup>24</sup> 1.15+3 <sup>24</sup>
11.19 8.46 7.64	1.15+3 <sup>24</sup> 1.15+3 <sup>24</sup> 1.15+3 <sup>24</sup>

## ASBESTOS WORKERS

## ROILERMAKERS

## BRICKLAYERS, STONE MASONS,

## MARBLE MASONS, PLASTERERS,

## TERRAZZO WORKERS, &amp; TILE

## SETTERS

## CARPENTERS

## CEMENT MASONS

## ELECTRICIANS:

## Wiremen

## Cable splicers

## ELEVATOR CONSTRUCTORS:

## Mechanics

## Helpers

## Probationary helpers

## IRONWORKERS

## LABORERS:

## CLASS I - Building &amp;

## Construction laborers

## CLASS II - Power &amp; air tool

## operators, concrete &amp; clay

## pipe layers &amp; vipers,

## mortar mixers, &amp; power

## bores operators

## CLASS III - Powderman, wagon

## drill operator, tunnel

## laborers, shaft laborers,

## burners, acetylene (demo-

## lition work), slip form

## workers (steel or wood,

## screw or jack type), pot-

## man, creosote materials

## handler, steel form setter

## (on grade), chimney or

## stack work

## LINE CONSTRUCTION:

## Linemen &amp; Heavy equipment

## operators (crane, dragline,

## &amp; 5th wheel tractor)

## Cable splicers

## Equipment operators (hole

## digging equipment, tractor

## with winch &amp; derrick, anchor

## machine, backhoe, &amp; ground

## rod drivers)

## Truck operators

## Groundmen

Basic Hourly Rates	Fringe Benefits
\$13.88 9.35	.02 1.30
9.85 10.10 10.60	1.30 1.30 1.30
11.00 11.25 13.38 3.60 12.05 14.57	1.30 1.30 1.73 1.73 2.83

## MILLWRIGHTS

## PAINTERS:

## Brush &amp; 9" roller

## Power tools, sign painting,

## glazing, structural steel

## (painting &amp; cleaning,

## excluding metal doors &amp;

## frames)

## Paperhanging

## Drywall finishers

## All types of epoxy &amp;

## chemical materials, such

## as bitumastic, conaps, &amp;

## clomate, all stage work,

## window jacks, botsun chair,

## ladder jacks &amp; built-up

## scaffold, extension ladder

## over 36'

## Regular spray &amp; gloves, &amp;

## blasting

## PILDRIVERS

## PLUMBERS &amp; PIPEFITTERS

## ROOFERS

## SHEET METAL WORKERS

## SPRINKLER FITTERS

## WELDERS: Receive rate

## prescribed for craft

## performing operation

## to which welding is

## incidental.

## FOOTNOTES: 'a': Seven Paid

## Holidays: New Year's Day;

## Memorial Day; Independence

## Day; Labor Day; Thanksgiving

## Day; Friday after

## Thanksgiving Day; Christmas

## Day; Vacation Pay Credit:

## Employer contribute 6% of

## the basic hourly rate for

## employees with 5 years or

## more of service, or 6% for

## employees with 6 months to

## 5 years of service.

Basic Hourly Rates	Fringe Benefits
\$13.53	1.87
12.10	1.87
9.46	1.87
7.34	1.87

## POWER EQUIPMENT OPERATORS:

## GROUP I - Crane, derrick,

## dragline, side boom, cherry

## picker, mechanic, piledriver,

## crawler, backhoe (3/4 cy. &amp;

## up), concrete pump, clamshell,

## drill operator, concrete mix-

## er plant, locomotive, two-drum

## hoist, shovel, generator (250

## KW &amp; up), hydraulic crane over

## 10 tons, finish motor grader,

## GROUP II - Bulldozer, hydraulic

## boom truck (10 tons &amp; under),

## scraper, end loader, fork

## tractor, one-drum hoist, air

## compressor (600 CFM &amp; over),

## tugger, roller, plain tractor,

## fireman, rubber-tired backhoe

## (less than 3/4 cy.), push

## dozer, trenching machine.

## GROUP III - Oiler, pump opera-

## tor (over 1 1/2" diameter), air

## compressor (under 600 CFM).

## GROUP IV - Mechanic's tender,

## servicing welding machine &amp;

## pump (up to 1 1/2" diameter).

## Unlisted classifications needed

## for work not included within

## the scope of the classifications

## listed may be added after award

## only as provided in the labor

## standards contract clauses (29

## CFR, 5.5 (a) (1) (ii)).

DECISION NO. GA82-1059

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## SUPERSEDEAS DECISION

STATE: GEORGIA  
 COUNTY: CHATHAM  
 DECISION NUMBER: GA82-1058  
 Supersedes Decision Number GA82-1017, dated March 5, 1982, in 47 FR 9657.  
 DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four (4) stories).

ASBESTOS WORKERS	Basic Hourly Rates	Fringe Benefits
BOILERMAKERS	\$13.24	2.16
BRICKLAYERS, STONE MASONS, & TILE SETTERS	14.50	3.015
CARPENTERS & SOFT FLOOR LAYERS:	10.45	.45
Contracts \$4.5 Million or less	12.25	.85
Contracts over \$4.5 Million	13.00	.85
CEMENT MASONS & PLASTERERS	9.50	.75
ELECTRICIANS	13.50	1.95+3.3%
ELEVATOR CONSTRUCTORS:		
Mechanics	11.36	2.465+4
Helpers	7.95	2.465+4
Probationary helpers	5.68	
IRONWORKERS	12.30	1.83
LABORERS:		
CLASS I	6.82	.38
CLASS II	6.97	.38
CLASS III	7.07	.38
CLASS IV	7.32	.38
CLASS V	7.82	.38
MILLWRIGHTS	13.60	.85
PAINTERS:		
Brush & Roller	11.35	.75
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		

## CLASSIFICATION DEFINITIONS - LABORERS:

CLASS I - General laborers.  
 CLASS II - Operators of jack hammer, tamp, paving breaker, chipping hammer, spade, chain saw, vibrator, motorized buggy, mason tender, terrazzo helper, railroad or track laborers, walk behind compactor or roller, plaster & carpenter tender.  
 CLASS III - Mortar mixer (hand or machine), pipe layer (hammer, potman, etc.), flagmen (crane, derrick, etc.).  
 CLASS IV - Burner (torch), on demolition work, track or wagon drill used in blasting.  
 CLASS V - Powderman or blaster.

## CLASSIFICATION DEFINITIONS - POWER EQUIPMENT OPERATORS:

GROUP I - Crane, derrick, dragline, side boom, cherry picker, mechanic, piledriver, crawler, backhoe (3/4 cy. & up), concrete pump, clamshell, drill operator, concrete mixer plant, locomotive, two-drum hoist, shovel, generator (250KW & up), hydraulic crane over 10 tons, finish motor grader.  
 GROUP II - Bulldozer, hydraulic boom truck (10 tons & under), scraper, end loader, fork tractor, one-drum hoist, air compressor (600 CFM & over), tugger, roller, plain tractor, fireman, rubber-tired backhoe (less than 3/4 cy.), push dozer, trenching machine.  
 GROUP III - Oiler, pump operator (over 1/2" diameter), air compressor (under 600 CFM).  
 GROUP IV - Mechanic's tender, servicing welding machine & pump (up to 1/2" diameter).

FOOTNOTES: 'a' - Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day; Vacation Pay Credit: Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% for employees with 6 months to 5 years of service.

## SUPERSEDEAS DECISION

STATE: ILLINOIS  
 COUNTY: MACON  
 DECISION NO. IL82-2047  
 Supersedes Decision No. IL80-2072, dated August 15, 1980 in 45 FR 54580  
 DESCRIPTION OF WORK: Building Construction (including Residential) Projects

ASBESTOS WORKERS	Basic Hourly Rates	Fringe Benefits
BOILERMAKERS	\$15.49	2.26
BRICKLAYERS; Caulkers; Cement Block Layers; Cleaners; Marble Setters; Pointers; Terrazzo Workers; & Tile Setters	18.30	3.305
CARPENTERS; Lathers; Millwrights; Piledrivers; Millwrights; Soft Floor Layers; Carpenters; Soft Floor Layers: Residential not to exceed 3 levels (including level below ground)	16.20	1.655
LABORERS: Residential Commercial Building: Unskilled Semi-Skilled Skilled		
POWER EQUIPMENT OPERATORS:		
TORS:	11.03	2.23
Class I		
Class II	15.755	2.23
Class III	16.255	2.23
TRUCK DRIVERS:	16.00	1.775
GROUP I		
GROUP II	11.44	1.49
GROUP III	17.60	2.12
GROUP IV	14.89	.97
CEMENT MASONS		
ELECTRICIANS:		
Residential not to exceed 3 levels (including level below ground)	15.00	3.03
Remainder of County	15.95	2.23
MARBLE & TILE SETTERS:		
FINISHERS:	16.00	
PAINTERS:		
Brush; Roller; & Vinyl Paperhangers	15.05	1.40
Spray	15.80	1.40
Steeple & Structures over 50 ft.	16.05	1.40
PLASTERERS	16.22	1.775
PLUMBERS: Steamfitters: Residential not to exceed 3 floors	13.57	1.22
All Other Work	19.39	2.55

FOOTNOTES:  
 a. 3% of gross earnings to SSMI  
 b. \$51.00 per week per employee



DECISION NO. IL82-2047

## CLASSIFICATION DEFINITIONS

## LABORERS:

Unskilled - All Sewer Workers, plus Depth Pay; Asphalt Plant Laborers; Bankmen on Floating Plant; Batch Dumpers; Carpenters' Tenders; Cleaning Lumber; Cofferdam Workers, plus Depth Pay; Deck Hand, Dredge Hand and Shore Laborer; Dispatchers; Driving of Stakes, Stringlines for all Machinery; Fencing Laborers; Firemen or Salamander Tenders; Fireproofing Laborers; Form Handlers; Gravel Box Men, Dumpmen and Spotters; Laborers with De-Watering System; Landscapers; Laying of Sod; Material Handlers; Pit Men; Plastic Installers; Planting of Trees; Removal of Trees; Rip Rap Men; Scaffold Workers; Tool Crimen; Track Laborers; Unloading & Carrying Lath; Unloading and Carrying of Re-Bars; Wrecking, Dismantling Buildings; Wallmen & Housemovers; Wrecking Laborers

Semi-Skilled Laborers - Asphalt Workers with Machine; Asphalt Raker and Layers; Cement Handlers; Cement Silica, Clay, Fly Ash, Lime and Plasterers, Handlers (Bulk or Bag); Chain Saw; Chloride Handlers; Concrete Workers (Wet); Grade Checker; Handling of Materials Treated with Oil, Creosote, Asphalt and/or any Foreign Material Harmful to Skin or Clothing; Kettle Tar Men on Concrete Paving, Placing, Cutting and Tying of Reinforcing; Tank Cleaners; Tunnel Tenders in Free Air

Skilled Laborers - Air Tamping Hammerman; Caisson Workers, Plus Depth Pay; Concrete Burning Machine Op.; Concrete Saw Op.; Coring Machine Op.; Curb Asphalt Machine Op.; Gunnite Nozzle Men; Jackhammer and Drill Op.; Laborers Handling Masterplate or similar materials; Laborers Tending Masons with Hot Material or where Foreign Materials are used; Laser Beam Op.; Layout Man on Sewer Work; Luceman; Mason Tenders; Mortar Mixer Op.; Motorized Buggies or Motorized Unit used for Wet Concrete or Handling of Building Materials; Multiple Concrete Duct - Leadman; Plasterers' Tenders; Ready Mix Scalemen; Screenman on Asphalt Pavers; Steel Form Setters - Street & Highway; Vibrator Ops.; Welders, Cutters, Burners & Torchmen

## POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt Plant Engineer; Asphalt Screed Man; Apsco Concrete Spreaders; Asphalt Pavers; Asphalt Rollers on Bituminous Concrete; Athey Loaders; Backfillers; Crane Type Back-hoes; Cableway; Cherry Pickers; Clam Shell; C.M.I. & Similar Type Autograde Formless Paver, Autograde Placer & Finisher; Concrete Breakers; Concrete Plant Operators; Concrete Pumps;

DECISION NO. IL82-2047

## POWER EQUIPMENT OPERATORS (CONT'D)

Cranes; Derricks; Derrick Boats; Draglines; Earth Auger Boring Machines; Elevating Graders; Engineers on Dredge; Gravel Processing Machines; Head Equipment Greasers; High Lift or Fork Lifts; Hoist w/two Drums or two or more Loadlines; Locomotives; Mechanics; Motor Graders or Auto Patrols; Operators or Levelman on Dredges; Operators Power Boat; Operators Pug Mill (Asphalt Plants); Orange Peels; Overhead Cranes; Paving Mixers; Pile-drivers; Pipe Wrapping & Painting Machines; Push Dozers or Push Skids; Rock Crushers; Ross Carriers or similar Machines; Scoops; Skimmers 2 cu. yd. cap. & under; Sheep Foot Roller (Self-propelled); Shovels; Skimmer Scoops; Test Hole Drilling Machines; Tower Cranes; Tower Machines; Tower Mixers; Track Type & Loaders; Track Type Fork Lift or High Lifts; Track Jacks & Tampers; Tractors; Sideboom; trenching Machines; Ditching Machine; Tunnel Luggers; Wheel Type End Loaders; Winch Cat; Scoops (all or Torunapull)

CLASS II - Asphalt Boosters & Heaters; Asphalt Distributors; Asphalt Plant Fireman; Building Elevator; Bull Floats or Flexplanes; Concrete Finishing Machines; Concrete Saws, Self-propelled; Concrete Spreader Machines; Gravel or Stone Spreaders, Power Operated; Hoist Automatic; Hoist w/l Drum & l Load Line; Oiler on 2 Paving Mixers when used in Tandem Boom or Winch Truck; Post Hole Diggers, Mechanical; Road or Street Sweeper-Self-propelled; Scissors Hoist; Seaman Tiller; Straw Machine; Vibratory Compactors; Well Drill Machines; & Mud Jacks (Hvy & Hwy only)

CLASS III - Air Compressors; Air Compressors, Track or Self-propelled; Bulk Cement Batching Plants; Conveyors; Concrete Mixers (except plant paver, tower); Firemen; Generators; Greasers; Light Plants; Mechanical Heaters; Oilers; Power Form Graders; Power Sub-Graders; Pug Mills, when used for other than Asphalt Operation; Rollers (except Bituminous Concrete); Tractors w/o Power Attachments regardless of size or type; Truck Crane Oiler & Driver (l man); Vibratory Hammer; Water Pumps; Welding Machines (one 300 amp. or over); Welding Machines\*

\*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.



DECISION NO. IL82-2047TRUCK DRIVERS:

GROUP I - Drivers on 2 Axles hauling less than 9 tons; Air Compressor & welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lb. cap.; Mechanic Tenders; pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

GROUP II - 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-axle Combination units; Hydraulics or similar equipment when used for transportation purposes; & Winches

GROUP III - 2, 3, or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

GROUP IV - Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

## SUPERSEDES DECISION

STATE: Iowa  
 DECISION NO.: IA82-4049  
 COUNTY: Scott  
 Supersedes Decision No. IA81-4098, dated 11/27/81 in 46 FR 58021.  
 DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories).

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	2.40	MARBLE, TILE & TERRAZZO WORKERS	2.10
BOILERMAKERS	16.12	PAINTERS:	
BRICKLAYERS & STONEMASONS	15.46	Brush, Roller	14.92
CARPENTERS:		Spray, structural steel	15.42
Carpenters	14.91	PLASTERERS	10.90
Millwrights	16.00	PLUMBERS & STEAMFITTERS	16.65
Piledrivers	15.41	POWER EQUIPMENT OPERATORS:	
CEMENT MASONS	15.00	GROUP 1	15.25
ELECTRICIANS:		GROUP 2	13.85
Electricians	16.34	GROUP 3	12.80
Cable Splicers	17.34	ROOFERS	15.60
ELEVATOR CONSTRUCTORS:		SHEET METAL WORKERS	2.98
Mechanics	15.00	SOFT FLOOR LAYERS	2.98
Helpers	70%JR	SPRINKLER FITTERS	2.66
Helpers (Prob.)	50%JR	WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.	2.51
GLAZIERS	15.71		14.45
IRONWORKERS	16.40		16.47
LABORERS:			
GROUP 1 - Carpenter tenders, common laborers, mason tenders	13.18		
GROUP 2 - Concrete saw, pipesetters, plumber laborer, power tools (barco-vibrator-mortar mixers-dynamite handlers-burner on dismantling work to be junked), prime movers, sand points	13.43		
GROUP 3 - Caissons after 6 ft. depth, dynamite men, tunnel miners	13.68		

## FOOTNOTE FOR ELEVATOR CONSTRUCTORS

a - Employer contributes 8% of basic hourly rate for over 5 years service & 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Also 7 Paid Holidays - New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Friday after Thanksgiving Day, Christmas Day

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).



## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - All hoists or steel erecting equipment: Crane, Shovel, Clamshell, Drag-line, Backhoe, Derrick, Tower Crane, Cableway, Concrete Spreader (servicing 2 pavers), Asphalt Spreader, Asphalt Mixer, Plant Engineer, Dipper Operator & Craneman, Dual Purpose Truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (2 ops. required), Pile driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Building Hoist (2 drums), Hot Paint Wrapping Machine, Cleaning & Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trav-L-Plant or similar machine, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Mucking Machine, Asphalt Healer, Planer Unit, Hydraulic Crane, Mine Hoist, Ather, Barber-Greene, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman & Drier, Concrete Pump, Concrete Spreader (servicing 1 paver), Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, Letourneau pull & similar machines, DK-10, Hyster Winch & similar machines, Motor Patrol, Power Blade, Push Cat, Tractor, Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix & Plant Machine, Pipe Bending Machine, Flexplane or similar machines, Automatic Curbing Machine, Automatic Cement & Gravel Batch Plants (1 stop set-up), Seaman Pulvi-Mixer or similar machines, Blasthole Self-Propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine & Float, Self-Propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader, Screed Operator, Apasco Spreader or similar machine, Slusher, Forklift (over 6000 lbs. capacity or working at heights above 28 ft.), Concrete Conveyors

GROUP 2 - Asphalt Booster, Fireman & Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 6LE), Power Operated Bull Float, Tractor without Power Attachments, Dope Pot (agitating motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine, Fireman, Hydro-Hammer, Power Winch on Paving Work, Self-Propelled Roller or compactor (other than provided for above), Pump Operator (more than 1 well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 lbs. or less capacity), Gypsum Pump, Conveyor over 20 HP, Fuller-Kenyon Cement Pump or similar machines, Air Compressor (275 CFM or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement & Gravel Batch Plants (2 or 3 stop set-up), Small Rubber-tired Self-Propelled Curing Machine

GROUP 3 - Oilier Mechanic's Helper, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine

## SUPERSEDES DECISION

## STATE: KENTUCKY

LOCATION: FORT CAMPBELL (CHRISTIAN COUNTY, KY. & MONTGOMERY CO., TN.)

DECISION NUMBER: K782-1060

Supersedes Decision Number K780-1008, dated August 22, 1980, in 45 FR 56285.

DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does NOT include single family homes and apartments up to and including four (4) stories).

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
\$15.10	2.41	\$15.70	.72
18.45	2.715	11.10	1.30
13.05	1.45	11.35	1.30
15.20	.72	11.45	1.30
15.23	.65-13%	11.80	1.30
13.60	.65-32%	11.85	1.30
15.48	.65-13%	14.14	1.79
13.85	.65-32%		
11.48	2.33 + a		
8.04	2.33 + a		
5.74	1.12 + b		
12.50	2.07		
12.85	2.07		
11.20	1.25		
11.35	1.25		
11.70	1.25		

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

## FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day; Vacation Pay Credit: Employer contributes 8% of the basic hourly rate of employees with 5 years or more of service, or 6% for employees with 6 months to 5 years of service.

b. Six Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

## CLASSIFICATION DEFINITIONS - LABORERS:

Group 1 - General laborers, wrecking labor on buildings, clearing right-of-way & building site, carpenter tender, truck spotter & dumper, axe & cross cut saw filler, concrete pailer & form stripper.

Group 2 - All power driven tools: hod carrier, mason tender, finisher tender, mortar mixer, jack hammer, vibrator, wagon drill, core drill, test drill, well drill, concrete pump machine, tunnel boring machine, men in tunnel & crib ditch work, signal men, riprap rock setter & handler, asphalt raker, tamper & smoother, pipe layer, grout pump men, chain saw, pipe clearing, dopping & wrapping, swamper & straight cable hooking, cement gun, grade checker machine excavating, batch plant scale man, sand bog free air, sand bog compressed air, cutting torch men on salvage work, road form setters, brick estringers, hand spikers, power buggy, handling of concrete material, sandblaster, curing of concrete & apply hardener, air & gas tamper, concrete saw, power post hole digger & green out man on concrete work.

Group 3 - Powderman, blaster.



DECISION NO. KY82-1060

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**CLASSIFICATION DEFINITIONS - POWER EQUIPMENT OPERATORS (KENTUCKY PORTION):**

**CLASS A** - Auto patrol, batcher plant, bituminous paver, cable way, central compressor plant, clamshell, concrete mixer (21cu.ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching & trenching machine, dragline, dredge operator, dredge engineer, elevating grader & all types of loaders, hoe type machine, hoist (1-drum when used for slack or chimney construction or repair), hoisting engine (2-drums or more), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, Orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height & except when used for masonry construction), all types of boom cranes, core drill, hopper, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hysler, pump-crete, Ross carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine rock spreader attached to equipment, scoopmobile, McCal loader, tower cranes (French, German, & other types), hydro crane, backfiller, gurnies, sub-grader.

**CLASS B** - All air compressors (over 900 CFM), bituminous mixer, joint sealing machine, concrete mixer (under 21cu.ft.), form grader, roller (rock), tractor (50HP & over), bull float, finish machine, outboard motor boat, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractor & road widening trencher, farm tractor with attachments (except backhoe, high lift & end loader), elevator (when used to hoist building materials), hoisting engine (1-drum or buck hoist), fork lift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor.

**CLASS C** - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50HP), vibrator, oiler, concrete saw, buckler & curing machine, hydro-seeder, power form handling equipment, deckhand steersman, hydraulic post driver, drill helper.

**CLASSIFICATION DEFINITIONS - POWER EQUIPMENT OPERATORS (TENNESSEE PORTION):**

**CLASS A** - Shovel, backhoe, dragline, crane, derrick, gantrey, gradeall, winches with boom, motor patrol, trenching machine (18" or over), pile driver, tug boat operator, mechanic, fork lift, central mixing plant, locomotive engineer, straddle carrier, core drill, tower crane, hydro-crane, Austin Western & all similar type crane, drilling of piling (all types), tugger, hoist (2-drums or more), earth freezing equipment, sideboom, dredge operator & engineer, hopper, pumpcrete, mucking machine, cableway, finishing machine, central compressor, derrick boat, concrete pump, welders, helicopters, de-watering system (all types), sweeper, bulldozer, pun, pull, scraper, trackavator, front end loader, concrete placing machine.

**CLASS B** - Trenching machine (18" or smaller), tandem roller, paver, mixer mobile, backfiller, blade grader, dinky operator, elevating grader, winch operated from truck & tractor without boom, distributor bituminous surface, hoist (1-drum), mixer, grout pump, motor boat, switchman, brake man, elevator earth compactor, tractor, conveyor.

**CLASS C** - Locomotive fireman on boiler, air compressor (stationary), earth drill, scale operator, motor crane driver & oiler, pump (4" & larger), oiler on gantrey, greaser, drill helper.

**CLASS D** - Air compressor, mechanic helper, fireman (low pressure pump under 4"), oiler, welding machine operator, deckhand.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (i)).

**SUPERSIDES DECISION**

STATE: MISSISSIPPI  
 DECISION NUMBER: MS82-1061  
 COUNTY: FOREST AND JONES  
 DATE: DATE OF PUBLICATION  
 Supersedes Decision No.: MS81-1173 dated January 30, 1981 in 46 FR 10091.  
 DESCRIPTION OF WORK: BUILDING CONSTRUCTION (excluding single family homes and apartments up to and including four stories.)

Basic Hourly Rates	Fringe Benefits
BRICKLAYERS \$10.55	
CARPENTERS 8.11	ROOFERS 5.00
CEMENT MASONS 7.21	SHEET METAL WORKERS 5.88
ELECTRICIANS 8.25	SOFT FLOOR LAYERS 5.33
GLAZIERS 6.90	TILE SETTERS 6.50
IRONWORKERS 11.05	TRUCK DRIVERS 4.08
LABORERS: Welders - Rate for Craft	POWER EQUIPMENT OPERATORS:
Mason Tenders 4.55	Asphalt Distributor 4.15
Mortar Mixers 4.95	Asphalt Spreader 5.25
Pipelayers 5.00	Backhoe 5.00
Unskilled 4.08	Bulldozer 5.73
LATHERS 8.50	Crane 6.94
PAINTERS 7.00	Drill, earth type 7.76
PLASTERERS 10.00	Motor Patrol 4.38
PLUMBERS & PIPEFITTERS 9.31	Tractor 5.00

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (i)).







## DECISION NO. PA82-3027

	Basic Hourly Rates	Fringe Benefits
PILEDRIVERS	16.02	17½
PLASTERERS		
ZONE 1	15.65	2.37
ZONE 2	16.80	2.35
ZONE 3	14.10	.01
PLUMBERS & STEAMFITTERS		
ZONE 1	16.20	3.68
ZONE 2	17.57	1.71
ZONE 3		
Contracts Under \$10,000	16.20	2.40
Contracts Over \$10,000	17.30	2.40
ZONE 4	15.48	3.14
ROOFERS		
ZONE 1	15.34	1.57
ZONE 2	15.96	2.43
SHEET METAL WORKERS		
ZONE 1	15.84	3.71
ZONE 2	15.01	3.04
SPRINKLER FITTERS	16.92	2.83
TRUCK DRIVERS		
ZONE 1	8.42	c+d
CLASS I	8.35	c+d
CLASS II	8.42	c+d
CLASS III	8.17	c+d
CLASS IV		

## AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson  
 ZONE 2 - Crawford and Venango

## AREA COVERED BY BOILERMAKERS ZONES

ZONE 1 - Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Venango  
 ZONE 2 - Crawford

## AREA COVERED BY BRICKLAYERS &amp; STONEMASONS ZONES

ZONE 1 - Cambria  
 ZONE 2 - Clearfield, Jefferson, Venango and Clarion Counties  
 ZONE 3 - Crawford  
 ZONE 4 - Cameron  
 ZONE 5 - Bedford  
 ZONE 6 - Brady, Madison, Perry, Tobe, Porter, Redbank Twp. in Clarion County

	Basic Hourly Rates	Fringe Benefits
ZONE 2	11.86	16.84+e
CLASS I	11.91	16.84+e
CLASS II	11.93	16.84+e
CLASS III	12.01	16.84+e
CLASS IV	12.20	16.84+e
CLASS V	12.03	16.84+e
CLASS VI	12.18	16.84+e
CLASS VII		
ZONE 3		
CLASS I	7.20	.40
CLASS II	7.30	.40
CLASS III	7.40	.40
CLASS IV	7.50	.40
CLASS V	7.35	.40
CLASS VI	7.45	.40
CLASS VII	7.40	.40
CLASS VIII	7.70	.40
CLASS IX	7.80	.40
CLASS X	7.45	.40
CLASS XI	7.70	.40
ZONE 4		
CLASS I	9.12	f+g+h

## AREA COVERED BY CARPENTER &amp; SOFT FLOOR LAYERS ZONES

ZONE 1 - Bedford, Cambria, Cameron, Clarion, Clearfield, Crawford, Jefferson Counties  
 ZONE 2 - Venango County

## AREA COVERED BY CEMENT MASONS

ZONE 1 - Clearfield, Jefferson  
 ZONE 2 - Bedford, Cameron, Cambria  
 ZONE 3 - Crawford  
 ZONE 4 - Clarion & Venango

## AREA COVERED BY ELECTRICIANS ZONES

ZONE 1 - Bedford, Cambria, Clearfield, Clarion, Jefferson & Cameron  
 ZONE 2 - Crawford  
 ZONE 3 - Venango

## AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson Counties  
 ZONE 2 - Crawford & Venango Counties

## AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Cambria & Clarion  
 ZONE 2 - Bedford County  
 ZONE 3 - Crawford County  
 ZONE 4 - Venango County  
 ZONE 5 - Cameron, Clearfield & Jefferson



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## LABORERS CLASSIFICATION DEFINITIONS AND AREA COVERED CONT'D

CLASS III - Blasters, wagon drill operator, drill runner, gunnite nozzle man, grout machine operator, walk behind power roller and tamper, welder, drill (cable tools)

ZONE 4 - Crawford County

CLASS I - Common laborers

CLASS II - Mason tender, hod carriers, mortar mixers, scaffold builder

CLASS III - Pipelayers (concrete & clay)

CLASS IV - Blaster, mechanical tamper, powered wheel-barrow, wagon drill operators

CLASS V - Material, buggy handler, blaster tender, all power tool operators, wagon drill tenders & drill runner

CLASS VI - Burners

WHEN WORKING IN PIERS, TRENCHERS, OPEN COFFER DAMS & CAISSONS AT DEPTHS MORE THAN TEN (10) FEET BELOW THE LOWEST ADJACENT GRADE:

CLASS VII - Bottom man

CLASS VIII - All power operators, drill man

ZONE 5 - Bedford County

CLASS I - Unskilled laborers

CLASS II - Ditch, trench or sumpwork exceeding 10' in depth including caissons

CLASS III - Blasters

CLASS IV - Air track men, demolition of chimneys & erection of towers, antennas, cooling towers, (on power plants) or other similar work 10' in height, suspension or workmen in swinging-cages, suspended scaffolds, swings, busun's chair

CLASS V - Plasterer tenders

ZONE 6 - Cambria and Clearfield Counties

CLASS I - Unskilled laborers

CLASS II - Ditch, trench or sumpwork exceeding 10' depth including caissons

CLASS III - Blasters

CLASS IV - Air track men, demolition of chimneys & erection of towers, antennas, cooling towers, (on power plants) or other similar work 10' in height, suspension or workmen in swinging-cages, suspended scaffolds, swings, busun's chair

CLASS V - Plasterer tenders

## LANDSCAPE LABORERS DEFINITION AND AREA COVERED

ZONE 1 - Bedford, Cambria, Clarion, Clearfield, Crawford, Jefferson, Venango

CLASS I - Landscape laborer to include general landscaping work and the driving of trucks for the distributing of materials on the job site but not to include dump trucks used to transport supplies to the job

CLASS II - Landscape Tractor Operator to operate small industrial rubber tire tractor equipped with front end loader and back hoe attachment used for the sole purpose of landscape work including soil spreading, but not for heavy and highway construction work

DECISION NO. PA82-3027

## LABORERS CLASSIFICATIONS DEFINITIONS AND AREA COVERED

ZONE 1 - Clarion & Jefferson Counties

CLASS I - Laborers, carryable pumps, west brick buggy or similar (non-self-propelled) vibrator operators, walk behind forklift or similar, stripper & mover of forms, cement finisher, footers, window cleaner, all material conveyor (regardless of power used, incl. starting & stopping)

CLASS II - West brick buggy or similar (self-propelled), power wheelbarrows & buggies, walk behind forklift or similar (self-propelled), wagon drill tender, drill mounted on truck, track or similar blaster's tenders, all operators of compacting equipment, pipe layer, burner, jackhammerman, concrete buster

CLASS III - Hod carrier, scaffold builder, bell & bottom man on furnaces & stacks, mortar mixer, mortar mixing machine (regardless of power used, incl. starting & stopping) grout machine feeder & pump operator, wagon drill operator, concrete saw operator wagon

CLASS IV - Gunnite nozzleman

CLASS V - Blaster

ZONE 2 - Venango County

CLASS I - Building laborer, west brick buggy or similar, walk behind forklift or similar (non-self-propelled), stripper and mover of forms, window cleaner, cement finisher, footers

CLASS II - Powered wheelbarrows, buggies

CLASS III - Mason tender, pipe layer, bottom man (10' below grade)

CLASS IV - Mortar mixer, mason plasterer, hod carrier, scaffold builder, concrete buster-jackhammer (air tool, electric, other) other mechanical or power tools

CLASS V - Grout machine feeder and pump operator, all operators of compacting equipment, grout machine feeder and pump operator, all material conveyors (regardless of power used, including starting & stopping), bell and bottom man on furnaces & stacks

CLASS V - Burner (demolition) groundman, jackhammerman; drill man blaster tender, wagon drill tender

CLASS VI - High (climber)

CLASS VII - Blaster, wagon drill operator

ZONE 3 - Cameron County

CLASS I - Common laborer, carpenter tender, scaffold builder for mason, window cleaner, form stripper and mover, scaffold and runways, building material handlers (loading and unloading) concrete pitman, puddler, mason tender

CLASS II - Mechanical tamper (power), powered wheelbarrows and buggies & work-lifts, sweepers and similar, mortar mixer, bell bottom man on furnaces and stacks, jackhammer man, concrete buster, wagon drill tender, concrete saw operator, blaster's tender, drill runner's tender (includes drill mounted trucks, tracks of similar) sheeters and shores, vibrator operators, power tamper operators, v-gun, burner cutting torch, carryable pumps, chain saw operator, pipe layers, all material conveyors and elevators signal man, walk behind fork lift or similar, scaffold builder for plasterers; regardless of height, hod carrier, plasterers tender, form cleaning machine operator, plaster application and/or pump machine operator, paving breaker asphalt raker, tancer, berfix cutting tool, gunnite potman, blacksmith, tool, dresser (cable tools)



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# CLASSIFICATION DEFINITIONS POWER EQUIPMENT OPERATORS

CLASS 1 - Austin-Western or similar type under 25 ton, austin-western similar type 25 ton or over, auto grader (CMI or similar, backhoe, batch plant when conveyors are used for direct deadloading or discharge, batch plant no conveyors for direct feeding or discharge cableway, caisson drill, central mix plant, crane (excluding overhead) (truck or crawler type), cranes tower (mobile) cranes tower (stationary) (climbing type), cranes tower (climbing type) cranes hydraulic self contained over 18 ton cranes hydraulic self contained - 18 ton or less, derrick traveler (self propelled) derrick (all types), derrick boats, dragline, dredge, engineer maintenance, franki or similar type pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), hi-lift 4 yds or over, hoist-hod (2 cages up to 10 floors) Chicago Boom attached hoist (50 ft. or over) stacks, stoves or furnaces) hoist (slipform jobs hop to or similar type with 180 swing hop to or similar type with 360 swing local koehring scoop, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobilizing or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) post driver-guard rail (truck mounted), post driver-guard rail (skid type), slip form paver (CMI or similar), tractors - boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, whirley

CLASS 1-A - Austin-Western or similar type under 25 ton with jib, austin-western or similar type 25 ton or over with jib, cranes boom or mast 100 ft. or over up to including 150 ft. +\$.25) (truck or crawler type), cranes mobile (any type 15 ton or over placed on any bldg. structure + \$.25), hoist-hod (2 cages over 10 floors Class I rate +\$.25, hoist single cage with truck or crawler type), engineer lead

CLASS 1-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. +\$.50)

CLASS 1-C - Cranes (boom or mast over 200 ft. + .75)

CLASS 1-D - Gradall (remote control)

CLASS 2 - Asphalt plant operator, at they loader, auger - truck or tractor, mounted, back filling machine, boat material or personnel carrying (powered) boat - job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressor (1) and air tugger (1) (combination), compressor (1) and gunite machine (1) (combination), concrete belt placer, crane - overhead, crushing & screening plants, drill - well & core (truck mounted), elevator (new buildings), euclid mounted), drill - well & core (truck mounted), forklift lull or similar, (grader), loader, excavating equipment (all other), hoist - hod (buildings 4 floors or more), hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic) mixer - paving, mucking machine, pipe cleaning machine, refrigeration plant (used for construction jobs that is, cooling concrete & holding banks), ross carrier (or similar type), scoop (single bowl) (self-powered & tractor drawn), spreader - concrete, asphalt and stone, tower mobile (hoisting

DECISION NO. PA82-3027

# LANDSCAPE LABORERS DEFINITION AND AREA COVERED CONT'D

ZONE 2 - Cameron County  
CLASS I - Landscape laborer to include general landscaping work and the driving of trucks for the distributing of materials on the job site but not to include dump trucks used to transport supplies to the job

## LINE CONSTRUCTIONS CLASSIFICATIONS DEFINITIONS AND AREA COVERED

ZONE 1 - Bedford, Cambria, Clarion, Clearfield & Jefferson Counties  
CLASS I - Lineman  
CLASS II - Groundman  
CLASS III - Winch truck operator  
ZONE 2 - Cameron, Crawford & Venango Counties  
CLASS I - Linemen, dynamite man, heavy equipment operator  
CLASS II - Winch truck operator  
CLASS III - Groundman

## AREA COVERED BY MARBLE SETTERS ZONES

ZONE 1 - Bedford & Cambria Cos.  
ZONE 2 - Crawford County  
ZONE 3 - Venango County  
ZONE 4 - Jefferson County

## AREA COVERED BY PAINTERS ZONES

ZONE 1 - Bedford, Cambria Counties, Beaver, Ringgold, Porter, Perry, Young, Bell, Gaskill Twp., in Jefferson County; Remainder of Clearfield County  
ZONE 2 - Cameron, Clarion, Crawford, Venango Counties, remainder of Jefferson County; Townships in Clearfield County - Bell, Burnside, Greenwood, Chester, Jordan, Beccaria, Knox, and Ferguson



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# CLASSIFICATION DEFINITIONS POWER EQUIPMENT OPERATORS CONT'D

CLASS 2-CONT'D - or lowering material), trencher, well point systems, (the following machines shall be considered minor), compressors (3 within a reasonable distance); generators electric (3) (over 5 KW up to 20 KW), pumps (1½" discharge or less) (4 to 5 within reasonable distance), welding machines (4 to 6 within reasonable distance) (other than electrically driven), grout pump (10 H. P. or over), elevator (when used for alterations & remodeling all buildings, wallpaper operator - asphalt spreader), pumpcrete or similar type (not self-propelled), pumpcrete machine operator (stationary), tire repairman (when assigned job), welder (repairman)

CLASS 3 - Boiler, compressor (ridden or self-propelled), compressor (over 125 CFM and air pump), compressor (1) and sand blasting machine (1) (combination), crane (carry), curb builder (self-propelled), drills-well & horizontal truck mounted, forklifts (ridden or self-propelled), hoist one drum (regardless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for anaking and hauling), tube finisher (CMI or similar type), tugger, truck, (winch) truck or hydraulic boom (when hoisting & placing), compactors (2) generators (2) mortar machine over 10 cu. ft. and single unit conveyor, pumps (1½" discharge or less (2 to 3), pumps (over 1½" discharge (2) in back) within reasonable distance), welding machine (2 to 3), (other than electrically driven)

CLASS 3-A - Conveyors 4 units or more

CLASS 4 - Ballast regulator, boring machine, broom power (except push type), compressor - single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used) form line machine, generator (over 5 KW), hoist (monorail) (regardless of power used), hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used) mixer mortar - over 10 cu. ft. (regardless of power used) pump (over 1½" discharge regardless of power used) spray cure machine (power driven) steam jenny (or similar type) syphone (steam or air) welding machine single (300 amp or over) (other than electrically driven) plant, private or industrial air of steam valve

CLASS 5 - Compressor - 65 cubic ft. or under (regardless of power used) conveyor one (1) unit (regardless of power used) heaters - up to and including 6 jack motor hydraulic (single type) power driven ladavator, mixer mortar, (10 cubic ft. or under), mulching machine pin puller (powered), pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery, shoulder (attachment) tie tamp (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck crane 50 ton up to not incl. 100 ton

CLASS 6 - Brake man, deck hand, helicopter signalman, oiler, mechanic helper

CLASS 6-A - Crane truck oiler & fireman

CLASS 6-B - Oiler - Truck crane 50 ton up to & incl. 100 ton

CLASS 6-C - Oiler - Truck crane 100 ton and over

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## AREA COVERED BY PLASTERERS

ZONE 1 - Crawford County  
ZONE 2 - Clearfield, Clarion, Jefferson, Venango Counties  
ZONE 3 - Bedford, Cambria Counties

## AREA COVERED PLUMBERS AND STEAMFITTERS ZONES

ZONE 1 - Clarion County  
ZONE 2 - Typts. in Crawford County: Beaver, Spring, Cussawago, Cambridge Rockdale, Bloomfield and Sparta  
ZONE 3 - Venango County & Remainder of Crawford County  
ZONE 4 - Bedford, Cambria, Cameron, Clearfield, Jefferson

## AREA COVERED BY ROOFERS ZONES

ZONE 1 - Crawford, Venango Counties  
ZONE 2 - Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson

## AREA COVERED BY SHEET METAL ZONES

ZONE 1 - Cambria, Cameron, Clearfield, Clarion, Crawford, Jefferson, Venango  
ZONE 2 - Bedford

## TRUCK DRIVERS CLASSIFICATION DEFINITION AND AREA COVERED

ZONE 1 - Bedford, Cambria, Clearfield & Jefferson Counties

CLASS I - Service, dump, flat top, jeep, fuel & water

CLASS II - Transit mix, dump trailer, winch truck

CLASS III - Euclids & tractor trailer

CLASS IV - Helper

ZONE 2 - Clarion & Venango Counties

CLASS I - Service Truck (pickup, Jeep, Buses, Station Wagon, Pane; truck escort vehicle, including fuel and water trucks)

CLASS II - Dump and Flat Top (including Fuel and Water Trucks, Fork lift in Warehouse or job site storage area and single axle trucks with power tailgate); distributor truck over 33,000 lbs. gross weight (oil, tar asphalt products

two man operation, both

CLASS III - Transit mix, single axle

CLASS IV - Transit mix, single tandem axle

CLASS V - Heavy duty tractor and trailer with low bed, 6 to 16

CLASS VI - Distributor truck up to 33,000 lbs. gross weight (oil, tar asphalt products) one man operation; truck with dolly and scissor truck; truck with dump trailer or tandem, including fuel and water tandem axle truck with power tailgate and scissor truck; euclids or equivalent, tri-axle including mixer, drivers towing equipment

CLASS VII - Winch truck and form truck



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## TRUCK DRIVERS CLASSIFICATION DEFINITION AND AREA COVERED CONT'D

- ZONE 3 - Cameron County  
 CLASS I - Trucks up to 30,000 lbs. includes pickups, fuel and water trucks)  
 CLASS III - Tri-Axle Trucks over 30,000 (includes fuel and water trucks)  
 CLASS IV - Low boy  
 CLASS V - Concrete Mixer Trucks  
 CLASS VI - Concrete Mixer Truck (Tri-Axle)  
 CLASS VII - Semi-Trailer  
 CLASS VIII - Earth Moving Equipment up to 35 Ton (Belly Dump, Side Dump, End Dump, etc.)  
 CLASS IX - Earth Moving Equipment over 35 Ton (Belly Dump, Side Dump, End Dump, etc.)  
 CLASS X - A-Frame and Winch Trucks (when used for hauling material on bed of truck)  
 CLASS XI - Distributor Truck (Oil, Tar, Asphalt, etc.)  
 ZONE 4 - Crawford County  
 CLASS I - Truck Drivers

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

## PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

## FOOTNOTES

- a. Holidays A through F, plus Washington's Birthday and Good Friday, providing the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the day preceding and following the holiday.

c. \$59.90 per month

d. \$14.00 per week

- e. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day and Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

- f. 1 week vacation after 1 year's work; two weeks vacation after five years of service.

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## FOOTNOTES (CONT'D)

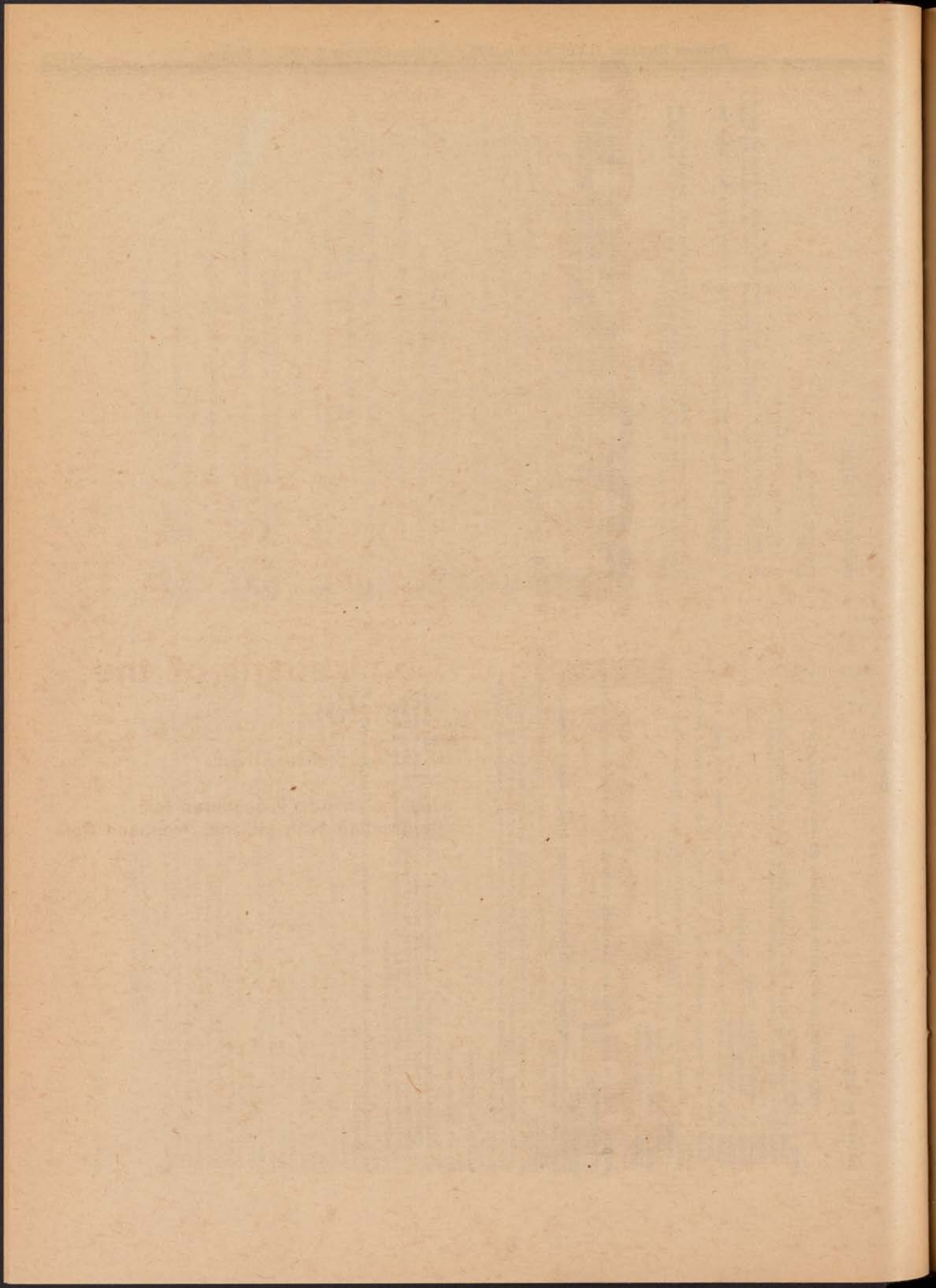
- g. \$137.27 per month  
 h. Contributes \$26.00 per week  
 j. Employer contributes 6% of basic hourly rate for 5 years or more of service or 8% hourly rate for 6 months to 5 years of service as Vacation Pay Credit.  
 k. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

[FR Doc. 82-27517 Filed 10-7-82; 8:45 am]

BILLING CODE 4510-27-C







# FRIDAY OCTOBER 8, 1982 Part III Department of the Interior Bureau of Indian Affairs Buy Indian Act; Procedures for Contracting With Indians; Proposed Rule

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Friday  
October 8, 1982

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## Part III

### Department of the Interior

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Bureau of Indian Affairs

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Buy Indian Act; Procedures for  
Contracting With Indians; Proposed Rule



## DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

## 41 CFR Part 14H-71

## Buy Indian Act; Procedures for Contracting With Indians

September 23, 1982.

**AGENCY:** Bureau of Indian Affairs (Interior).**ACTION:** Proposed rule.

**SUMMARY:** Notice is hereby given that it is proposed to add a new Part 14H-71 to Subchapter 14H of Title 41 of the Code of Federal Regulations to establish policies and procedures as part of the Bureau of Indian Affairs acquisition and assistance agreement management system. This proposed rule pertains to acquisitions (purchase orders and contracts) entered into by the Bureau of Indian Affairs with Indian/Alaska Native economic enterprises for the products of Indian industry pursuant to the "Buy Indian" Act in order to promote business concerns.

**DATE:** Written comments must be received no later than January 6, 1983.

**ADDRESS:** Written comments may be directed to U.S. Department of the Interior, Bureau of Indian Affairs, Chief, Contracting and Grants Administration Staff (Cond 660-PC), 1951 Constitution Avenue, N.W., Washington, D.C. 20245. The envelope should bear the legend: "Buy Indian Act Comments" in the lower left corner.

**FOR FURTHER INFORMATION CONTACT:** Dr. Peter A. Campanelli, Contracting and Grants Administration Staff (Code 660-PC), Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245, telephone number (202) 343-5125.

**SUPPLEMENTARY INFORMATION:** This proposed rule is published in exercise of the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The Buy Indian Act (referred to as "the Act" throughout this part) provides, as follows: "So far as may be practicable Indian labor shall be employed, and purchases of the products of Indian industry may be made in open market in the discretion of the Secretary of the Interior". The Act permits the Bureau of Indian Affairs to negotiate with, and award purchase orders and contracts to, Indian/Alaska Native economic enterprises to the exclusion of non-Indian offerors pursuant to the authority of section 302(c)(15) of the Federal Property & Administrative Services Act of 1949 (41 U.S.C. 252(c)(15)). This latter authority

provides that contracts may be negotiated without formal advertising "if otherwise authorized by law".

It is the policy of the Bureau of Indian Affairs that products of Indian industry be used to the maximum extent practical to meet Bureau acquisition needs. The Bureau will be responsible for ensuring that such acquisition costs are reasonable amounts and that profits or fees are reasonable in contracting under the Act. When the proposed acquisition (over \$10 thousand) involves services to be performed on an Indian reservation or in an Alaska Native Village, written notification to the governing body of that entity shall be provided. The Assistant Secretary—Indian Affairs or designee may, on a case-by-case or class basis, grant exceptions to the general policy that the products of Indian industry be used to the maximum extent practical.

Three final points are mentioned: (1) Buy Indian Act acquisitions shall comply with all applicable requirements of the Federal and Interior Procurement Regulations (41 CFR Chapter 1 and 41 CFR Chapter 14, respectively); (2) The Act shall not be used to operate, administer or manage those Bureau of Indian Affairs programs or parts thereof that are within the scope of the regulations contained in 25 CFR Parts 271, 272, and 274, and Part 14H-70 of this title which govern the implementation of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638; 25 U.S.C. 450 et. seq.); and (3) The Buy Indian Act authority shall not be used to contract with Indian/Alaska Native economic enterprises for any type of construction, alteration and repair services, work, or activity affected by the U.S. Supreme Court decision in *Andrus v. Glover Construction Co.* (Supreme Court No. 79-48, May 27, 1980).

The policy of the Department of the Interior is, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulation.

The Department of the Interior has determined that this document is not a major rule under the criteria established by Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the criteria established by the Regulatory Flexibility Act.

The authors of this document are Donald F. Asbra and Dr. Peter A. Campanelli, Contracting and Grants Administration Staff, Bureau of Indian Affairs, U.S. Department of the Interior,

Washington, D.C. 20245, telephone number (202) 343-5125.

This document contains a List of Subjects which includes Government procurement and Indians.

It is proposed to amend Subchapter 14H of Chapter 14 of Title 41 of the Code of Federal Regulations by adding a new Part 14H-71 to read as follows:

**PART 14H-71—BUY INDIAN ACT; PROCEDURES FOR CONTRACTING WITH INDIANS PURSUANT TO THE ACT OF JUNE 25, 1910**

Sec.

14H-71.000 Scope of part.

**Subpart 14H-71.0—Regulation System**

14H-71.001 General.

14H-71.002 Federal and Interior procurement regulations.

14H-71.003 Applicability.

**Subpart 14H-71.1—Definition of Terms**

14H-71.101 Definitions.

**Subpart 14H-71.2—Policy**

14H-71.201 General.

14H-71.202 Assistant Secretary—Indian Affairs Waiver.

**Subpart 14H-71.3—Procedures**

14H-71.301 Application.

14H-71.302 Bidder's mailing list.

14H-71.303 Synopsis publication.

14H-71.304 Invitation for bids.

14H-71.305 Request for proposals.

14H-71.306 Subsequent involvement of Indian/Alaska Native contractor.

14H-71.307 Controlling date.

14H-71.308 Architect—engineer services.

14H-71.309 Breach of contract.

**Subpart 14H-71.4—Limitations**

14H-71.401 Construction.

14H-71.402 Subcontracting.

**Subpart 14H-71.5—Exceptions**

14H-71.501 Indian self-determination programs.

**Subpart 14H-71.6—Clauses and Notices**

14H-71.601 Notification to tribal government.

14H-71.602 Notice of restriction.

14H-71.603 Contract clause for subcontracting.

Authority: 25 U.S.C. 47, 36 Stat. 861.

**§ 14H-71.000 Scope of part.**

This part sets forth policies and procedures concerning the Bureau of Indian Affairs Acquisition and Assistance Agreement Management System insofar as the system pertains to purchase orders and contracts entered into under the authority of the Buy Indian Act (25 U.S.C. 47).



**Subpart 14H-71.0—Regulation System****§ 14H-71.001 General.**

(a) This part sets forth the policies and procedures concerning Bureau of Indian Affairs acquisitions (purchase orders and contracts) entered into with Indian/Alaska Native economic enterprises for the products of Indian industry pursuant to the Buy Indian Act (25 U.S.C. 47) which provides that:

(1) So far as may be practical Indian labor shall be employed, and purchases of the products of Indian industry may be made in the open market in the discretion of the Secretary of the Interior.

(2) The Bureau Contracting Officer may negotiate with, and award contracts and purchase orders to, Indian/Alaska Native economic enterprises to the exclusion of non-Indian offerors pursuant to the authority of section 302(c)(15) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(c)(15)), except for construction, alteration and repair services, work, or activity. This latter authority provides that contracts may be negotiated without formal advertising "if otherwise authorized by law".

**§ 14H-71.002 Federal and Interior Procurement Regulations.**

Purchase orders and contracts entered into pursuant to the Buy Indian Act (25 U.S.C. 47) shall comply with all applicable requirements of the Federal Procurement Regulations (41 CFR Chapter 1) and all provisions of the Interior Procurement Regulation System, including published regulations under 40 CFR Chapter 14.

**§ 14H-71.003 Applicability**

The provisions of this part apply only to those acquisitions (purchase orders or contracts) between the Bureau of Indian Affairs and Indian/Alaska Native economic enterprises entered into pursuant to the Act.

**Subpart 14H-71.1—Definition of Terms****§ 14H-71.101 Definitions**

"Assistant Secretary" means the Assistant Secretary—Indian Affairs, Department of the Interior.

"Bureau" means the Bureau of Indian Affairs, Department of the Interior.

"Buy Indian Act" means the authority and provisions of the Act of June 25, 1910 (25 U.S.C. 47), and is referred to as the Act in this Part.

"Buy Indian Act Contract" means any acquisition (by contract or purchase order) of the products of Indian/Alaska Native industry, which contract is entered into between Indian/Alaska Native economic enterprise and the

Bureau of Indian Affairs pursuant to the authority of the Buy Indian Act.

"Contracting Officer" means a Bureau official designated and certified by the Assistant Secretary under the Warrant System to enter into or administer contracts and assistance agreements, and to make related determination and findings.

"Dealer" means a person who owns, operates or maintains a store, warehouse, or other establishment in which the commodities being supplied are bought, kept in stock, and sold to the public in the usual course of business.

"Indian" means any person of Indian descent who is an enrolled member of an Indian tribe, as defined herein; or, who is a descendant of one-fourth degree or more Indian blood of an enrolled member of a tribe whose rolls have been closed by Act of Congress; or, any Alaska Native of one-fourth degree or more Alaska, Indian, Eskimo, or Aleut blood; and all persons of one-half degree or more Indian blood.

"Indian/Alaska Native Economic Enterprise" means any legal business organization (regardless of form or activity and including profit and non-profit organizations) that is 100 percent owned, or controlled, by Indian(s)/Alaska Native(s). Said enterprise shall have been established and conducting business prior to bid (proposal) opening and during the term of the Buy Indian Act Acquisition.

"Indian/Alaska Native Owned or Controlled" means: Profit and non-profit making enterprises which are 100 percent owned by Indian(s)/Alaska Native(s). Such enterprises may be controlled by the owner(s) or by a chief executive officer, administrative agent, or management official responsible for the supervision and direction of the economic enterprise and who serves as an agent under the policies established and promulgated by the Board of Directors or other such appointed or elected policy-making entity. The majority membership of such Boards or entities shall be comprised of Indian/Alaska Native person(s).

"Indian Tribe" means any Indian Tribe, Band, Nation, or other organized group or community, including any Alaska Native village, which is recognized by the Secretary of the Interior as having special rights and responsibilities and is recognized as eligible for the services provided by the United States to Indians because of their status as Indians.

"Products of Indian/Alaska Native Industry" means any products goods or services (excepting construction, alteration and repair services, work, or activity) that can be provided by an

Indian/Alaska Native economic enterprise that either produces the products, goods or services through physical labor or intellectual effort, or is a regular dealer (not a broker) in such goods or services.

"Reservation" means any bounded geographical area established or created by treaty/statute, Executive Order, or as interpreted by court decision and over which a Federally recognized/Indian tribal entity may exercise certain jurisdiction.

"Tribal Governing Body" means the recognized entity empowered to exercise the governmental authority of a tribe, as defined herein.

**Subpart 14H-71.2—Policy****§ 14H-71.201 General.**

(a) Products of Indian/Alaska Native industry shall be used to the maximum extent practical to meet Bureau of Indian Affairs acquisition needs and requirements. When the proposed acquisition (over \$10 thousand) involves services to be performed under a Bureau contract on an Indian reservation or in an Alaska Native village using the authority of the Act, written notification shall be provided to the governing body of that entity by the Contracting Officer no later than thirty (30) calendar days prior to the issuance of the solicitation.

(b) The Contracting Officer shall ensure that Act contracts and purchase orders are awarded at reasonable prices.

**§ 14H-71.202 Assistant Secretary—Indian Affairs Waiver.**

(a) *General.* The Assistant Secretary or designee may, on a case-by-case or class basis, grant exceptions to the general requirement that the products of Indian/Alaska Native industry be used to the maximum extent practical to meet acquisition needs and requirements. Exceptions to the use of the Act's authority may include, but is not limited to, the following conditions:

(1) Reasonable quantity, delivery, or other performance schedules cannot be met; or

(2) The technical quality of the specific goods or services required to meet the end-use of the Bureau activity is not available from a certified Indian/Alaska Native economic enterprise; or

(3) Competition is not available between or among Indian/Alaska Native offerors and the contract acquisition cost is considered unreasonable compared to a non-Indian/Alaska Native offeror; or

(4) Where trade-in considerations make costs unreasonable from an



Indian/Alaska Native economic enterprise.

(b) *Provisions.* Solicitations may be issued to non-Indian offerors when the Contracting Officer determines in writing that:

(1) There are no interested Indian/Alaska Native economic enterprises; or  
(2) There are no certified Indian/Alaska Native economic enterprises who are interested in the acquisition requirements; or

(3) An acceptable contract/purchase order cannot be negotiated under the Act authority; and

(4) The Assistant Secretary or designee has waived the use of the Act procedures for conditions under § 14H-71.202(a).

A copy of the approved Determination of Findings shall be included in the contract file.

(c) *Appeal.* An offeror adversely affected by an administrative action under this Subpart may appeal the decision of a Bureau official under the provisions of 25 CFR Part 2, Appeals from Administrative Actions.

#### Subpart 14H-71.3—Procedures

##### § 14H-71.301 Application.

(a) The Bureau shall give preference to Indian/Alaska Native economic enterprises who have submitted proof of qualification as such and who have been certified by the Bureau Contracting Officer for the acquisition of materials, supplies, or services. Qualification Questionnaires for Certification are available from Bureau Contracting Officers at Central and Area Offices. Copies are also provided to offerors as part of the solicitation package.

(b) Before taking any acquisition action, Contracting Officers shall determine if there are qualified Indian/Alaska Native economic enterprises which are certified or which are interested in being certified to meet the Bureau's acquisition requirement.

(c) Indian/Alaska Native economic enterprises are encouraged to submit completed Qualification Questionnaires for Certification to the cognizant Contracting Officer at any time. The Contracting Officer shall determine whether the offeror is eligible to be certified to contract under the Act. This determination shall be supported by the completed Qualification Questionnaire for Certification which shall be on file prior to or submitted with the offeror's response to any solicitation.

(d) An applicant for Certification under the Act who is adversely affected by a decision of the cognizant Contracting Officer may exercise the right of administrative appeal. The

appeals procedure is set forth in 25 CFR Part 2, Appeals from Administrative Actions, and shall be made known in writing to the applicant by the Contracting Officer.

(e) Contracting Officers shall also determine, before award, whether the Indian/Alaska Native economic enterprises are responsible, in accordance with Subpart 1-1.12 of this title and that the price, profits (Subparts 1-2.407-2 and 1-3.807-2), and fees offered are reasonable.

##### § 14H-71.302 Bidder's mailing list.

Each Contracting Officer shall compile and maintain a file of current Bidder's Mailing List Applications (SF-129) of all Indian/Alaska Native economic enterprises that have been identified by the Contracting Officer. The submission of an SF-129 by an Indian/Alaska Native economic enterprise does not eliminate the requirement for it to submit the completed Qualification Questionnaire for Certification required by § 14H-71.301.

##### § 14H-71.303 Synopsis publication.

All proposed acquisition actions under this Part in excess of \$5 thousand shall be publicized by the Contracting Officer in the U.S. Department of Commerce publication, The Commerce Business Daily, in accordance with Subparts 1-10.10 and 14-1.10 of this title. In addition to the other requirements of a Synopsis, it shall contain the following notice:

(Bids) (Proposals) for this acquisition will be accepted from certified Indian/Alaska Native economic enterprises only. To be eligible for award of any contract resulting from this acquisition action, the offeror must be certified as an Indian/Alaska Native economic enterprise as defined in 41 CFR 14H-71.101. (Bids) (Proposals) received from non-Indian/Alaska Native offerors shall be considered non-responsive and shall be rejected.

##### § 14H-71.304 Invitation for bids.

When the nature of the acquisition is such that, if it were not restricted to Indian/Alaska Native economic enterprises it would have been formally advertised in accordance with Subpart 1-2.1 of this title and there is more than one certified Indian/Alaska Native economic enterprise interested in the acquisition action, the Contracting Officer shall use the Act's restricted advertising which is a special method of negotiated acquisition conducted in the same manner as for formal advertising, except that competition and awards are restricted to certified Indian/Alaska Native economic enterprise. The contract shall then be awarded to the

responsible Indian/Alaska Native contractor submitting the lowest, responsive bid, unless it is determined in accordance with §§ 1-2.407-2 and 1-3.214 of this title that such bid is not reasonable as to price. In such circumstances, the Contracting Officer will notify each responsible Indian/Alaska Native economic enterprise (which submitted a responsive bid) of the Bureau's intent to negotiate, following the procedures outlined in § 1-3.214 of this title.

##### § 14H-71.305 Request for proposals.

When the nature of the acquisition is such that if it were not restricted to certified Indian/Alaska Native economic enterprise it would have been negotiated as provided in Part 1-3 of this title; and, there is more than one certified Indian/Alaska Native economic enterprise, the Contracting Officer shall issue a Request for Proposals, evaluate all proposals received, and negotiate and award the contract in the same way as if the acquisition had not been restricted to Indian/Alaska Native economic enterprises. However, when the proposals received are not technically acceptable and have no reasonable change of being made so or, if negotiations with those offerors in the competitive range fail to produce a proposal that is technically acceptable and reasonable as to price, the Contracting Officer may terminate negotiations, and reissue the Request for Proposals on an unrestricted basis.

##### § 14H-71.306 Subsequent involvement of Indian/Alaska Native contractor.

When bids, quotations, or proposals have been solicited from non-Indian/Alaska Native economic offerors after the Assistant Secretary has approved the determination required by § 14-71.202 of this part and an interested Indian/Alaska Native economic enterprise is subsequently identified and certified, the Contracting Officer shall furnish the Indian/Alaska Native economic enterprise with a copy of the solicitation. The Indian/Alaska Native economic enterprise shall compete with non-Indian/Alaska Native offerors on a non-preferential basis for the particular acquisition requirement. The Contracting Officer shall determine whether the date for receipt of bids or proposals shall be extended.

##### § 14H-71.307 Controlling Date.

The date of award is the controlling calendar date for determining whether an offeror who submits a bid or proposal is a certified Indian/Alaska Native



economic enterprise; except that no bidder or offeror shall be eligible for award as an Indian/Alaska Native economic enterprise unless it has presented proof prior to or with the bid or proposal as stated in § 14H-71.101 and in § 14H-71.301.

#### § 14H-71.308 Architect-Engineer Services.

When the requirement for Architect-Engineering services is restricted to certified Indian/Alaska Native economic enterprises, the provisions of Subpart 1-4.10 of this title are applicable.

#### § 14H-71.309 Breach of Contract.

Failure on the part of the Indian/Alaska Native economic enterprise to perform the percentage of the dollar amount of the contract work agreed to with its own forces shall be considered as a breach of the contract and grounds for termination of the contract for default.

#### Subpart 14H-71.4—Limitations

##### § 14H-71.401 Construction.

The Act authority shall not be used to contract for construction, alteration and repair services, work, or activity affected by the U.S. Supreme Court decision in *Andrus v. Glover Construction Co.* (Supreme Court No. 79-48, May 27, 1980).

##### § 14H-71.402 Subcontracting.

(a) All solicitations and contracts for services entered into under this Part shall contain a provision that limits the percentage of the dollar amount of the contract work that can be subcontracted. No contract shall be entered into that will result in 100% of the dollar amount being subcontracted. The percentage of the dollar amount of the work that an Indian/Alaska Native contractor shall be required to perform with its own employees is as follows:

- (1) Architect-Engineering and Other Professional Services—30%;
- (2) Other Services—as determined by Contracting Officer prior to award of the contract.

The cost of materials and supplies are not to be included in determining the percentage of the dollar amount of the work the prime contractor shall perform with its own employees.

(b) When such action is warranted in the judgment of the Contracting Officer, solicitations for other than services may include a provision requiring the contractor to perform a percentage of the dollar amount of the work under the contract with its own employees. However, in establishing this percentage, consideration shall be given to the kind of personal property or supplies to be furnished under the contract.

(c) To the greatest extent feasible, preference shall be given to Indian/Alaska Native economic enterprises in the award of subcontracts entered into under this part.

#### Subpart 14H-71.5—Exceptions

##### § 14H-71.501 Indian Self-Determination Programs.

The Act shall not be used to operate, administer or manage those Bureau programs (or parts thereof) that are within the scope of the regulations contained in 25 CFR Parts 271, 272, and 274, and Part 14H-70 of this title which govern the implementation of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638; 25 U.S.C. 450 et seq.).

##### Subpart 14H-71.6—Clauses and Notices

##### § 14H-71.601 Notification to tribal government.

(a) Whenever the Bureau determines that an Act contract in excess of \$10 thousand is required to accomplish an activity or service on a reservation or in an Alaska Native village, the Contracting Officer will provide written notification to the cognizant governing body no later than thirty (30) calendar days prior to issuance of the solicitation. The written notification shall provide the governing body with the following information:

(1) The project or activity description in general terms, including the approximate dates it should start and be completed.

(2) The Bureau intention to contract under the authority of the Act if there are interested and certified Indian/Alaska Native economic enterprises.

(3) That there are no interested and certified Indian/Alaska Native economic enterprises, the activity or

services will be obtained by contract through an unrestricted solicitation.

(b) No cost estimate shall be stated for the proposed acquisition as the Contracting Officer uses cost data to evaluate bids or proposals received from offerors.

##### § 14H-71.602 Notice of restriction.

Each solicitation issued under this Part shall contain a notice which clearly states that the acquisition is restricted to certified Indian/Alaska Native economic enterprises and that bids or proposals received from other than Indian/Alaska Native economic enterprises shall be considered non-responsive and shall be rejected. The following clause shall be inserted in all solicitation to comply with this Section:

This (Invitation for Bid) (Request for Proposal) is issued under the authority of the Buy Indian Act (25 U.S.C. 47). Accordingly, to be considered responsive to this solicitation, you must present written evidence in your (bid) (proposal) of the qualifications that your economic enterprise is 100% owned, or controlled, by Indian(s)/Alaska Native(s). Said enterprise shall have been established and conducting business prior to (bid) (proposal) opening for this contract. A Qualification Questionnaire for Certification under the Buy Indian Act is enclosed. If you believe you are eligible for preference under the authority of this Act, complete the Questionnaire and submit it prior to or with your (bid) (proposal) to the Contracting Officer.

##### § 14H-71.603 Contract Clause for Subcontracting.

The following clause shall be inserted in Act contracts, when required by § 14H-71.402 of this title:

##### Subcontracting

The contractor shall perform work with its own forces amounting to not less than \*— percent of the original dollar amount of the contract, exclusive of the cost of materials and supplies. Failure on the part of the contractor to perform the designated percentage of the dollar amount of the work shall cause this contract to be terminated for default.

John W. Fritz,

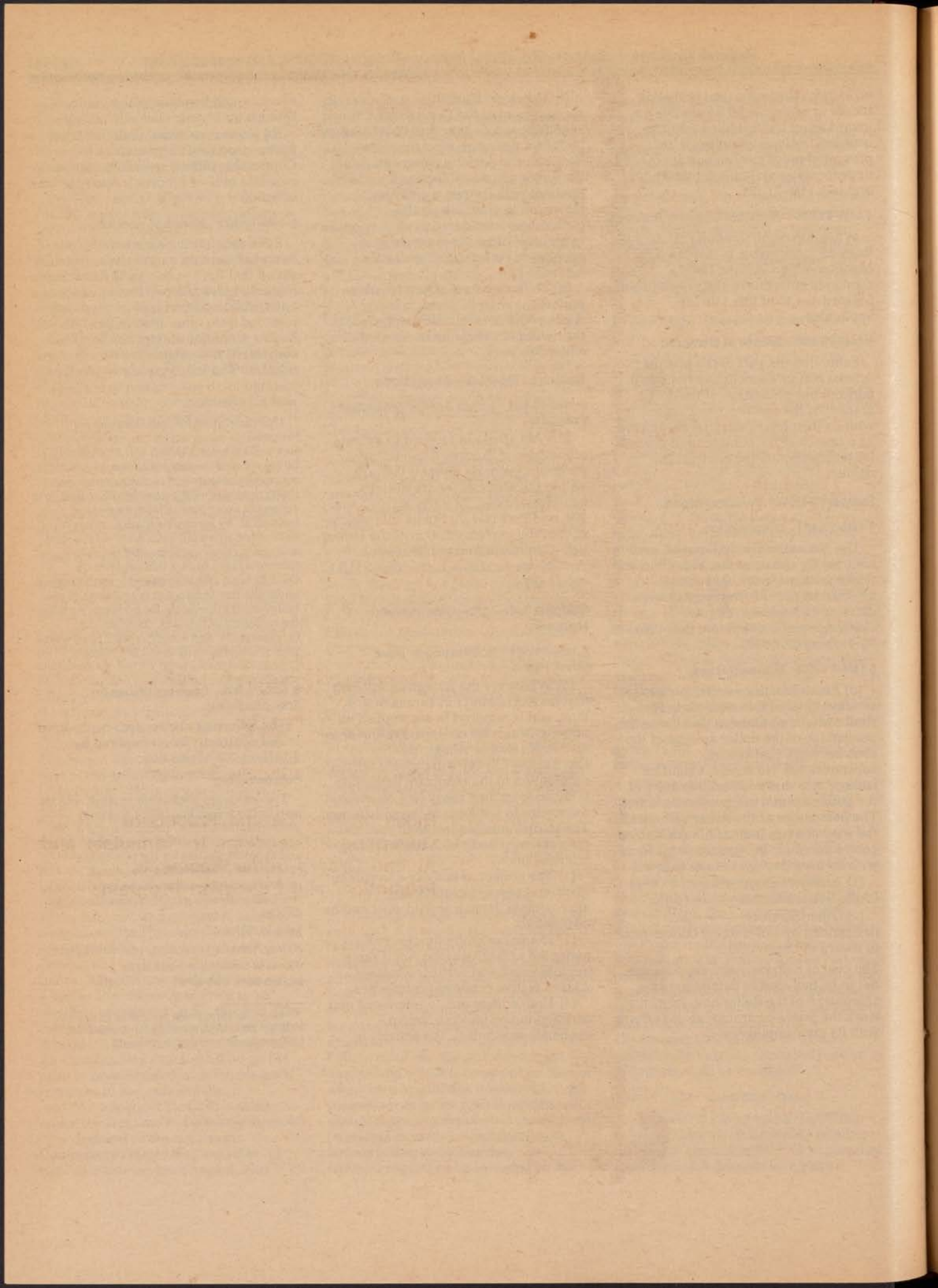
Acting Assistant Secretary—Indian Affairs.

[FR Doc. 82-27729 Filed 10-7-82; 8:45 am]

BILLING CODE 4310-02-M

\* Insert the appropriate percentage from § 14H-71.402(a), or as determined by the Contracting Officer prior to award of the contract.







# Consolidated Federal Register

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Friday  
October 8, 1982

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## Part IV

### Department of Agriculture

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#### Agricultural Marketing Service

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Rules of Practice and Procedure  
Governing Proceedings to Formulate and  
Amend Orders Under Research,  
Promotion, and Education Programs



## DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## 7 CFR Part 1200

## Rules of Practice and Procedure Governing Proceedings Under Research, Promotion, and Education Programs; Rules of Practice and Procedure Governing Proceedings To Formulate and Amend an Order

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Agricultural Marketing Service establishes rules of practice and procedure governing proceedings to formulate and amend orders under research, promotion, and education programs. Legislation established for such programs provides that programs be effectuated through the promulgation of an order, which must be approved by the affected producers (and in certain cases importers or end-product manufacturers) in a referendum. This subpart establishes the procedures which will be followed in developing and amending the order to effectuate such programs.

**EFFECTIVE DATE:** October 6, 1982.

**FOR FURTHER INFORMATION CONTACT:** Charles W. Porter, Chief, Vegetable Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, phone (202) 447-2615.

**SUPPLEMENTARY INFORMATION:** This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

The Agricultural Marketing Service oversees nationally coordinated programs of research, consumer information, promotion, and nutrition education. Each such program is provided for by separate enabling legislation and effectuated through the promulgation of an order, which must be approved by affected domestic producers and in certain programs also may be affected importers or end-product manufacturers in a referendum. Previously a subpart has been promulgated under each program establishing the procedures to be followed in developing and amending the order. However, all of these procedures must conform with the

administrative procedure provisions in 5 U.S.C. 553. Therefore procedures under all programs are similar and may be established jointly under 7 CFR Part 1200 Rules of Practice and Procedure Governing Proceedings Under Research, Promotion, and Education Programs.

This joint codification provides greater consistency among these programs, greatly reduces labor and time in amending such procedures, and provides significant savings in publication costs in the Code of Federal Regulations and the **Federal Register**.

Presently four research, promotion, and education programs are in operation. These programs include Cotton Research and Promotion, Part 1205; Potato Research and Promotion Plan, Part 1207; Egg Research and Promotion, Part 1250; and Wheat and Wheat Foods Research and Nutrition Education, Part 1280. In addition, procedures to formulate a Beef Research and Information Order are contained in Part 1260. The subpart establishing procedures to formulate an order under each of these parts is terminated upon the effective date of this subpart.

This rule establishes procedures to develop and amend any subsequent research, promotion, and education programs, including a proposal for an order which may be submitted pursuant to the Floral Research and Consumer Information Act.

**Findings.** Notice was given in the **Federal Register** of June 1, 1982 (47 FR 23733) and June 4, 1982 (47 FR 24338) allowing interested persons until June 16, 1982, to file comments; and none was filed. It was noted that one clause was omitted from § 1200.17(b) concerning extension of time for filing a document or paper. This clause has been added so that filing may also be extended by the Administrator. After consideration of all relevant matters, including the proposal set forth in the notice, it is hereby found that this subpart will tend to effectuate the declared purposes of the acts.

It is further found that under the administrative procedure provisions in 5 U.S.C. 553, it is impractical and unnecessary to delay the effectiveness of these rules of practice until 30 days after publication in the **Federal Register** for the reasons that: (1) No substantive rule or change of rule is involved, and (2) these procedures are patterned directly after existing procedures that are presently in use.

## List of Subjects in 7 CFR Part 1200

Administrative practice and procedure.

Accordingly, the following new Part 1200 is added to Chapter XI of Title 7 of the Code of Federal Regulations:

## PART 1200—RULES OF PRACTICE AND PROCEDURE GOVERNING PROCEEDINGS UNDER RESEARCH, PROMOTION, AND EDUCATION PROGRAMS

## Subpart—Rules of Practice and Procedure Governing Proceedings to Formulate and Amend an Order

## Sec.

- 1200.1 Words in the singular form.
- 1200.2 Definitions.
- 1200.3 Proposals.
- 1200.4 Reimbursement of Secretary's expenses.
- 1200.5 Institution of proceedings.
- 1200.6 Docket number.
- 1200.7 Judge.
- 1200.8 Motions and requests.
- 1200.9 Conduct of the hearing.
- 1200.10 Oral and written arguments.
- 1200.11 Certification of the transcript.
- 1200.12 Copies of the transcript.
- 1200.13 Administrator's recommended decision.
- 1200.14 Submission to Secretary.
- 1200.15 Decision by the Secretary.
- 1200.16 Execution of the order.
- 1200.17 Filing, extension of time, effective date of filing, and computation of time.
- 1200.18 Ex parte communications.
- 1200.19 Additional documents to be filed with hearing clerk.
- 1200.20 Hearing before Secretary.

**Authority:** Beef Research and Information Act, as amended, Pub. L. 94-294, 94th Cong., approved May 28, 1976, 7 U.S.C. 2901-2918; Cotton Research and Promotion Act, as amended, Pub. L. 89-502, 89th Cong., approved July 13, 1966, 7 U.S.C. 2101-2119; Egg Research and Consumer Information Act, as amended, Pub. L. 93-428, 93rd Cong., approved October 1, 1974, 7 U.S.C. 2701-2718; Floral Research and Consumer Information Act, Pub. L. 97-98, 97th Cong., approved December 22, 1981, 7 U.S.C. 4301-4319; Potato Research and Promotion Act, Pub. L. 91-670, 91st Cong., approved January 11, 1971, 7 U.S.C. 2611-2627; Wheat and Wheat Foods Research and Nutrition Education Act, Pub. L. 95-113, 95th Cong., approved September 29, 1977, 7 U.S.C. 3401-3417.

## § 1200.1 Words in the singular form.

Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

## § 1200.2 Definitions.

As used in this subpart, the terms as defined in the Act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "Act" means the Beef Research and Information Act, as amended, Pub. L. 94-294, 94th Cong., approved May 28, 1976, 7 U.S.C. 2901-2918; the Cotton Research and Promotion Act, as amended, Pub. L. 89-502, 89th Cong., approved July 13, 1966, 7 U.S.C. 2101-2119; the Egg Research and



Consumer Information Act, as amended, Pub. L. 93-428, 93rd Cong., approved October 1, 1974, 7 U.S.C. 2701-2718; the Floral Research and Consumer Information Act, Pub. L. 97-98, 97th Cong., approved December 22, 1981, 7 U.S.C. 4301-4319; the Potato Research and Promotion Act, Pub. L. 91-670, 91st Cong., approved January 11, 1971, 7 U.S.C. 2611-2627; the Wheat and Wheat Foods Research and Nutrition Education Act, Pub. L. 95-113, 95th Cong., approved September 29, 1977, 7 U.S.C. 3401-3417; and any subsequent research, consumer information, promotion, and nutrition education acts established as Public Law by Congress.

(b) The term "Department" means the United States Department of Agriculture.

(c) The term "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

(d) The term "judge" or "administrative law judge" means any administrative law judge appointed pursuant to 5 U.S.C. 3105 and assigned to conduct the hearing.

(e) The term "Administrator" means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in the Administrator's stead.

(f) The term "Federal Register" means the publication provided for by the Federal Register Act, approved July 26, 1935 (44 U.S.C. 1501-1511), and acts supplementing and amending it.

(g) The term "hearing" means that part of the proceeding which involves the submission of evidence.

(h) The term "order" means any order or plan or any amendment to it which may be issued pursuant to the Act.

(i) The term "proceeding" means a proceeding forming the basis on which an order may be issued.

(j) The term "hearing clerk" means the hearing clerk, U.S. Department of Agriculture, Washington, D.C.

(k) The term "board" means the board or council established by the order to administer the program.

#### § 1200.3 Proposals.

(a) An order may be proposed by any organization certified pursuant to the Act or any interested person affected by the Act, including the Secretary. Any person or organization other than the Secretary proposing an order shall file with the Administrator a written

application, together with a copy of the proposal, requesting the Secretary to hold a hearing upon the proposal. Upon receipt of such proposal, the Administrator shall cause such investigation to be made and such consideration to be given as, in the Administrator's opinion, are warranted. If the investigation and consideration lead the Administrator to conclude that the proposed order will not tend to effectuate the declared policy of the Act, or that for other proper reasons a hearing should not be held on the proposal, the Administrator shall deny the application, and promptly notify the applicant of such denial, which notice shall be accompanied by a brief statement of the grounds for the denial.

(b) If the investigation and consideration lead the Administrator to conclude that the proposed order will tend to effectuate the declared policy of the Act, or if the Secretary desires to propose an order, the Administrator shall sign and cause to be served a notice of hearing, as provided herein.

#### § 1200.4 Reimbursement of Secretary's expenses.

If provided for in the Act or any amendment thereto, expenses incurred by the Secretary in preparing or amending the order, administering the order, and conducting the referendum shall be reimbursed.

#### § 1200.5 Institution of proceedings.

(a) *Filing and contents of the notice of hearing.* The proceeding shall be instituted by filing the notice of hearing with the hearing clerk. The notice of hearing shall contain a reference to the authority under which the order is proposed; shall define the scope of the hearing as specifically as may be practicable; shall contain either the terms or substance of the proposed order or a description of the subjects and issues involved; and shall state the time and place of such hearing, and the place where copies of such proposed order may be obtained or examined. The time of the hearing shall not be less than 15 days after the date of publication of the notice in the **Federal Register**, as provided herein, unless the Administrator shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which the Administrator may determine to be reasonable in the circumstances: Except that in the case of hearings on amendments to an order, the time of the hearing may be less than 15 days but shall not be less than three days after the date of publication in the **Federal Register**.

(b) *Giving notice of hearing and supplemental publicity.* (1) The Administrator shall give or cause to be given notice of hearing in the following manner:

(i) By publication of the notice of hearing in the **Federal Register**;

(ii) By mailing a copy of the notice of hearing to each organization known by the Administrator to be interested therein;

(iii) By issuing a press release containing the complete text or a summary of the contents of the notice of hearing and making the same available to such newspapers as, in the Administrator's discretion, are best calculated to bring the notice to the attention of the persons interested therein; and

(iv) By forwarding copies of the notice of hearing addressed to those Governors of the States and executive heads of territories and possessions of the United States and the mayor of the District of Columbia that are directly affected by such order.

(2) Legal notice of the hearing shall be deemed to be given if notice is given in the manner provided by paragraph (b)(1)(i) of this section; failure to give notice in the manner provided in paragraphs (b)(2)(ii), (iii), and (iv) of this section shall not affect the legality of the notice.

(c) *Record of notice and supplemental publicity.* There shall be filed with the hearing clerk or submitted to the judge at the hearing an affidavit or certificate of the person giving the notice provided in paragraphs (b)(1)(iii) and (iv) of this section. In regard to the provisions relating to mailing in paragraph (b)(1)(ii) of this section, determination by the Administrator that such provisions have been complied with shall be filed with the hearing clerk or submitted to the judge at the hearing. In the alternative, if notice is not given in the manner provided in paragraphs (b)(1)(ii), (iii), and (iv) of this section there shall be filed with the hearing clerk or submitted to the judge at the hearing a determination by the Administrator that such notice is impracticable, unnecessary, or contrary to the public interest with a brief statement of the reasons for such determination. Determinations by the Administrator as herein provided shall be final.

#### § 1200.6 Docket number.

Each proceeding, immediately following its institution, shall be assigned a docket number by the hearing clerk and thereafter the proceeding may be referred to by such number.



**§ 1200.7 Judge.**

(a) *Assignment.* No judge who has any pecuniary interest in the outcome of a proceeding shall serve as judge in such proceeding.

(b) *Power of judge.* Subject to review by the Secretary, as provided elsewhere in this subpart, the judge in any proceeding shall have power to:

- (1) Rule upon motions and requests;
- (2) Change the time and place of hearings, and adjourn the hearing from time to time or from place to place;
- (3) Administer oaths and affirmations and take affidavits;
- (4) Examine and cross-examine witnesses and receive evidence;
- (5) Admit or exclude evidence;
- (6) Hear oral argument on facts or law; and

(7) Do all acts and take all measures necessary for the maintenance of order at the hearings and the efficient conduct of the proceeding.

(c) *Who may act in absence of judge.* In case of the absence of the judge or the judge's inability to act, the powers and duties to be performed by the judge under this part in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other judge.

(d) *Disqualification of judge.* The judge may at any time withdraw as judge in a proceeding if such judge deems himself or herself to be disqualified. Upon the filing by an interested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a judge, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as the Secretary may deem appropriate in the circumstances.

**§ 1200.8 Motions and requests.**

(a) *General.* (1) All motions and requests shall be filed with the hearing clerk, except that those made during the course of the hearing may be filed with the judge or may be stated orally and made a part of the transcript.

(2) Except as provided in § 1200.17(b) such motions and requests shall be addressed to, and ruled on by, the judge if made prior to certification of the transcript pursuant to § 1200.11 or by the Secretary if made thereafter.

(b) *Certification to Secretary.* The judge may, in his or her discretion, submit or certify to the Secretary for decision any motion, request, objection, or other question addressed to the judge.

**§ 1200.9 Conduct of the hearing.**

(a) *Time and place.* The hearing shall be held at the time and place fixed in the notice of hearing, unless the judge shall have changed the time or place, in which event the judge shall file with the hearing clerk a notice of such change, which notice shall be given in the same manner as provided in § 1200.5 (relating to the giving of notice of the hearing); Except that if the change in time or place of hearing is made less than five days prior to the date previously fixed for the hearing, the judge either in addition to or in lieu of causing the notice of the change to be given, shall announce, or cause to be announced, the change at the time and place previously fixed for the hearing.

(b) *Appearances.* (1) *Right to appear.* At the hearing, any interested person shall be given an opportunity to appear, either in person or through authorized counsel or representative, and to be heard with respect to matters relevant and material to the proceeding. Any interested person who desires to be heard in person at any hearing under these rules shall, before proceeding to testify, state his or her name, address, and occupation. If any such person is appearing through a counsel or representative, such person or such counsel or representative shall, before proceeding to testify or otherwise to participate in the hearing, state for the record the authority to act as such counsel or representative, and the names, addresses, and occupations of such person and such counsel or representative. Any such person or such counsel or representative shall give such other information respecting such appearance as the judge may request.

(2) *Debarment of counsel or representative.* (i) Whenever, while a proceeding is pending before the judge, such judge finds that a person, acting as counsel or representative for any person participating in the proceeding, is guilty of unethical or unprofessional conduct, the judge may order that such person be precluded from further acting as counsel or representative in such proceeding. An appeal to the Secretary may be taken from any such order, but the proceeding shall not be delayed or suspended pending disposition of the appeal: Except that the judge may suspend the proceeding for a reasonable time for the purpose of enabling the client to obtain other counsel or representative.

(ii) In case the judge has ordered that a person be precluded from further action as counsel or representative in the proceeding, the judge within a reasonable time thereafter shall submit to the Secretary a report of the facts and circumstances surrounding such order

and shall recommend what action the Secretary should take respecting the appearance of such person as counsel or representative in other proceedings before the Secretary. Thereafter the Secretary may, after notice and an opportunity for hearing, issue such order respecting the appearance of such person as counsel or representative in proceedings before the Secretary as the Secretary finds to be appropriate.

(3) *Failure to appear.* If any interested person fails to appear at the hearing, that person shall be deemed to have waived the right to be heard in the proceeding.

(c) *Order of procedure.* (1) The judge shall, at the opening of the hearing prior to the taking of testimony, have noted as part of the record the notice of hearing as filed with the Office of the Federal Register and the affidavit or certificate of the giving of notice or the determination provided for in § 1200.5(c).

(2) Evidence shall then be received with respect to the matters specified in the notice of the hearing in such order as the judge shall announce.

(d) *Evidence.* (1) *General.* The hearing shall be publicly conducted, and the testimony given at the hearing shall be reported verbatim.

(i) Every witness shall, before proceeding to testify, be sworn or make affirmation. Cross-examination shall be permitted to the extent required for a full and true disclosure of the facts.

(ii) When necessary, in order to prevent undue prolongation of the hearing, the judge may limit the number of times any witness may testify to the same matter or the amount of corroborative or cumulative evidence.

(iii) The judge shall, insofar as practicable, exclude evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* If a party objects to the admission or rejection of any evidence or to any other ruling of the judge during the hearing, such party shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the judge. The transcript shall not include argument or debate thereon except as ordered by the judge. The ruling of the judge on any objection shall be a part of the transcript. Only objections made before the judge may subsequently be relied upon in the proceeding.

(3) *Proof and authentication of official records or documents.* An official record or document, when admissible for any



purpose, shall be admissible as evidence without the presence of the person who made or prepared the same. The judge shall exercise discretion in determining whether an official publication of such record or document shall be necessary, or whether a copy would be permissible. If permissible such a copy should be attested to by the person having legal custody of it, and accompanied by a certificate that such person has the custody.

(4) *Exhibits.* All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon satisfactory showing of authenticity, relevancy, and materiality, be numbered as exhibits and received in evidence and made a part of the record. Such exhibits shall be submitted in quadruplicate and in documentary form. In case the required number of copies is not made available, the judge shall exercise discretion as to whether said exhibits shall, when practicable, be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the judge. If the testimony of a witness refers to a statute, or to a report or document (including the record of any previous hearing), the judge, after inquiry relating to the identification of such statute, report, or document, shall determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. If relevant and material matter offered in evidence is embraced in a report or document (including the record of any previous hearing) containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the judge.

(5) *Official notice.* Official notice at the hearing may be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character: Except that interested persons shall be given an adequate period of time, at the hearing or subsequent to it, of matters so noticed and shall be given adequate opportunity to show that such facts are inaccurate or are erroneously noticed.

(6) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing

the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Secretary decides that the judge's ruling in excluding the evidence was erroneous. The judge shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the judge erred in excluding the evidence, and that such error was substantial, the hearing shall be reopened to permit the taking of such evidence.

#### § 1200.10 Oral and written arguments.

(a) *Oral argument before the judge.* Oral argument before the judge shall be in the discretion of the judge. Such argument, when permitted, may be limited by the judge to any extent that the judge finds necessary for the expeditious disposition of the proceeding and shall be reduced to writing and made part of the transcript.

(B) *Briefs, proposed findings, and conclusions.* The judge shall announce at the hearing a reasonable period of time within which interested persons may file with the hearing clerk proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing, citing, where practicable, the page or pages of the transcript of the testimony where such evidence appears. Factual material other than that adduced at the hearing or subject to official notice shall not be alluded to therein, and, in any case, shall not be considered in the formulation of the order. If the person filing a brief desires the Secretary to consider any objection made by such person to a ruling of the judge, as provided in § 1200.9(d), that person shall include in the brief a concise statement concerning each such objection, referring, where practicable, to the pertinent pages of the transcript.

#### § 1200.11 Certification of the transcript.

The judge shall notify the hearing clerk of the close of a hearing as soon as possible thereafter and of the time for filing written arguments, briefs, proposed findings, and proposed conclusions and shall furnish the hearing clerk with such other information as may be necessary. As soon as possible after the hearing, the judge shall transmit to the hearing clerk an original and three copies of the transcript of the testimony and the original and all copies of the exhibits not already on file in the office of the hearing clerk. The judge shall attach to

the original transcript of the testimony a certificate stating that, to the best of the judge's knowledge and belief, the transcript is a true transcript of the testimony given at the hearing, except in such particulars as the judge shall specify, and that the exhibits transmitted are all the exhibits as introduced at the hearing with such exceptions as the judge shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of testimony. In accordance with such certificate the hearing clerk shall note upon the official record copy, and cause to be noted on other copies of the transcript, each correction detailed therein by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate place any words necessary to make the same conform to the correct meaning, as certified by the judge. The hearing clerk shall obtain and file certifications to the effect that such corrections have been effectuated in copies other than the official record copy.

#### § 1200.12 Copies of the transcript.

(a) During the period in which the proceeding has an active status in the Department, a copy of the transcript and exhibits shall be kept on file in the office of the hearing clerk where it shall be available for examination during official hours of business. Thereafter said transcript and exhibits shall be made available by the hearing clerk for examination during official hours of business after prior request and reasonable notice to the hearing clerk.

(b) If a personal copy of the transcript is desired, such copy may be obtained upon written application filed with the reporter and upon payment of fees at a rate that may be agreed upon with the reporter.

#### § 1200.13 Administrator's recommended decision.

(a) *Preparation.* As soon as practicable following the termination of the period allowed for the filing of written arguments or briefs and proposed findings and conclusions the Administrator shall file with the hearing clerk a recommended decision.

(b) *Contents.* The Administrator's recommended decision shall include: (1) A preliminary statement containing a description of the history of the proceedings, a brief explanation of the material issues of fact, law, or discretion presented on the record, and proposed findings and conclusions about such issues, including the reasons or basis for such proposed findings; (2) a ruling upon each proposed finding or conclusion



submitted by interested persons; and (3) an appropriate proposed order effectuating the Administrator's recommendations.

(c) *Exceptions to recommended decision.* Immediately following the filing of the recommended decision, the Administrator shall give notice thereof and opportunity to file exceptions thereto by publication in the **Federal Register**. Within a period of time specified in such notice any interested person may file with the hearing clerk exceptions to the Administrator's proposed order and a brief in support of such exceptions. Such exceptions shall be in writing, shall refer, where practicable, to the related pages of the transcript, and may suggest appropriate changes in the proposed order.

(d) *Omission of recommended decision.* The procedure provided in this section may be omitted only if the Secretary finds on the basis of the record that due and timely execution of the Secretary's functions imperatively and unavoidably requires such omission.

#### § 1200.14 Submission to Secretary.

Upon the expiration of the period allowed for filing exceptions or upon request of the Secretary, the hearing clerk shall transmit to the Secretary the record of the proceeding. Such record shall include: All motions and requests filed with the hearing clerk and rulings thereon; the certified transcript; any proposed findings or conclusions or written arguments or briefs that may have been filed; the Administrator's recommended decision, if any; and such exceptions as may have been filed.

#### § 1200.15 Decision by the Secretary.

After due consideration of the record, the Secretary shall render a decision. Such decision shall become a part of the record and shall include: (a) A statement of findings and conclusions, including the reasons or basis for such findings, upon all the material issues of fact, law, or discretion presented on the record, (b) a ruling upon each proposed finding and proposed conclusion not previously ruled upon in the record, (c) a ruling upon each exception filed by interested persons, and (d) either (1) denial of the proposal to issue an order, or (2) if the findings upon the record so warrant, an order, the provisions of which shall be set forth and such order shall be complete except for its effective date and any determinations to be made under § 1200.16: Except that such order shall not be executed, issued, or made effective until and unless the Secretary determines that the requirements of § 1200.16 have been met.

#### § 1200.16 Execution of the order.

(a) *Issuance of the order.* The Secretary shall, if the Secretary finds that it will tend to effectuate the purposes of the Act, issue and make effective the order which was filed as part of the Secretary's decision pursuant to § 1200.15: Except that the issuance of such order shall have been approved or favored by eligible voters as required by the applicable Act.

(b) *Effective date of order.* No order shall become effective in less than 30 days after its publication in the **Federal Register**, unless the Secretary, upon good cause found and published with the order, fixes an earlier effective date.

(c) *Notice of issuance.* After issuance of the order, such order shall be filed with the hearing clerk, and notice thereof, together with notice of the effective date, shall be given by publication in the **Federal Register**.

#### § 1200.17 Filing, extension of time, effective date of filing, and computation of time.

(a) *Number of copies.* Except as provided otherwise herein, all documents or papers required or authorized by the foregoing provisions hereof to be filed with the hearing clerk shall be filed in quadruplicate. Any documents or papers so required or authorized to be filed with the hearing clerk shall be filed with the judge during the course of an oral hearing.

(b) *Extension of time.* The time for filing of any document or paper required or authorized by the foregoing provisions to be filed may be extended by the judge (before the record is so certified by the judge) or by the Administrator (after the record is so certified by the judge but before it is transmitted to the secretary), or by the Secretary (after the record is transmitted to the secretary) upon request filed, and if, in the judgment of the judge, Administrator, or the Secretary, as the case may be, there is good reason for the extension. All rulings made pursuant to this paragraph shall be filed with the hearing clerk.

(c) *Effective date of filing.* Any document or paper required or authorized by the foregoing provisions to be filed shall be deemed to be filed when it is postmarked or, if otherwise delivered, when it is received by the hearing clerk.

(d) *Computation of time.* Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: Except that when such time expires on a Sunday, or a Federal holiday, such period shall be extended to include the next following business day.

#### § 1200.18 Ex parte communications.

(a) At no stage of the proceeding following the issuance of a notice of hearing and prior to the issuance of the Secretary's decision thereon shall an employee of the Department who is or may reasonably be expected to be involved in the decision process of the proceeding discuss ex parte the merits of the proceeding with any person having an interest in the proceeding or with any representative of such person: Except that procedural matters and status reports shall not be included within the limitation: And except further that an employee of the Department who is or may reasonably be expected to be involved in the decisional process of the proceeding may discuss the merits of the proceeding with such a person if all parties known to be interested in the proceeding have been given notice and an opportunity to participate. A memorandum of any such discussion shall be included in the record of the proceeding.

(b) No person interested in the proceeding shall make or knowingly cause to be made to an employee of the Department who is or may reasonably be expected to be involved in the decisional process of the proceeding an ex parte communication relevant to the merits of the proceeding except as provided in paragraph (a) of this section.

(c) If an employee of the Department who is or may reasonably be expected to be involved in the decisional process of the proceeding receives or makes a communication prohibited by this section, the Department shall place on the public record of the proceeding:

- (1) All such written communications;
- (2) Memoranda stating the substance of all such oral communications; and
- (3) All written responses, and memoranda, stating the substance of all oral responses thereto.

(d) Upon receipt of a communication knowingly made or knowingly caused to be made by a party in violation of this section, the Department may, to the extent consistent with the interest of justice and the policy of the underlying statute, take whatever steps are deemed necessary to nullify the effect of such communication.

(e) For the purposes of this section, "ex parte communication" means any oral or written communication not on the public record with respect to which reasonable prior notice to all interested parties is not given, but which shall not include requests for status reports (including requests on procedural matters) on a proceeding.



**§ 1200.19 Additional documents to be filed with hearing clerk.**

In addition to the documents or papers required or authorized by the foregoing provisions of this subpart to be filed with the hearing clerk, the hearing clerk shall receive for filing and shall have custody of all papers, reports, records, orders, and other documents which relate to the administration of any order and which the Secretary is required to issue or to approve.

**§ 1200.20 Hearing before Secretary.**

The Secretary may act in the place and stead of a judge in any proceeding herein. When the Secretary so acts, the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions, and orders, and the Secretary shall then, after due consideration of the record, issue the final decision in the proceeding: Except the Secretary may issue a tentative decision in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final decision.

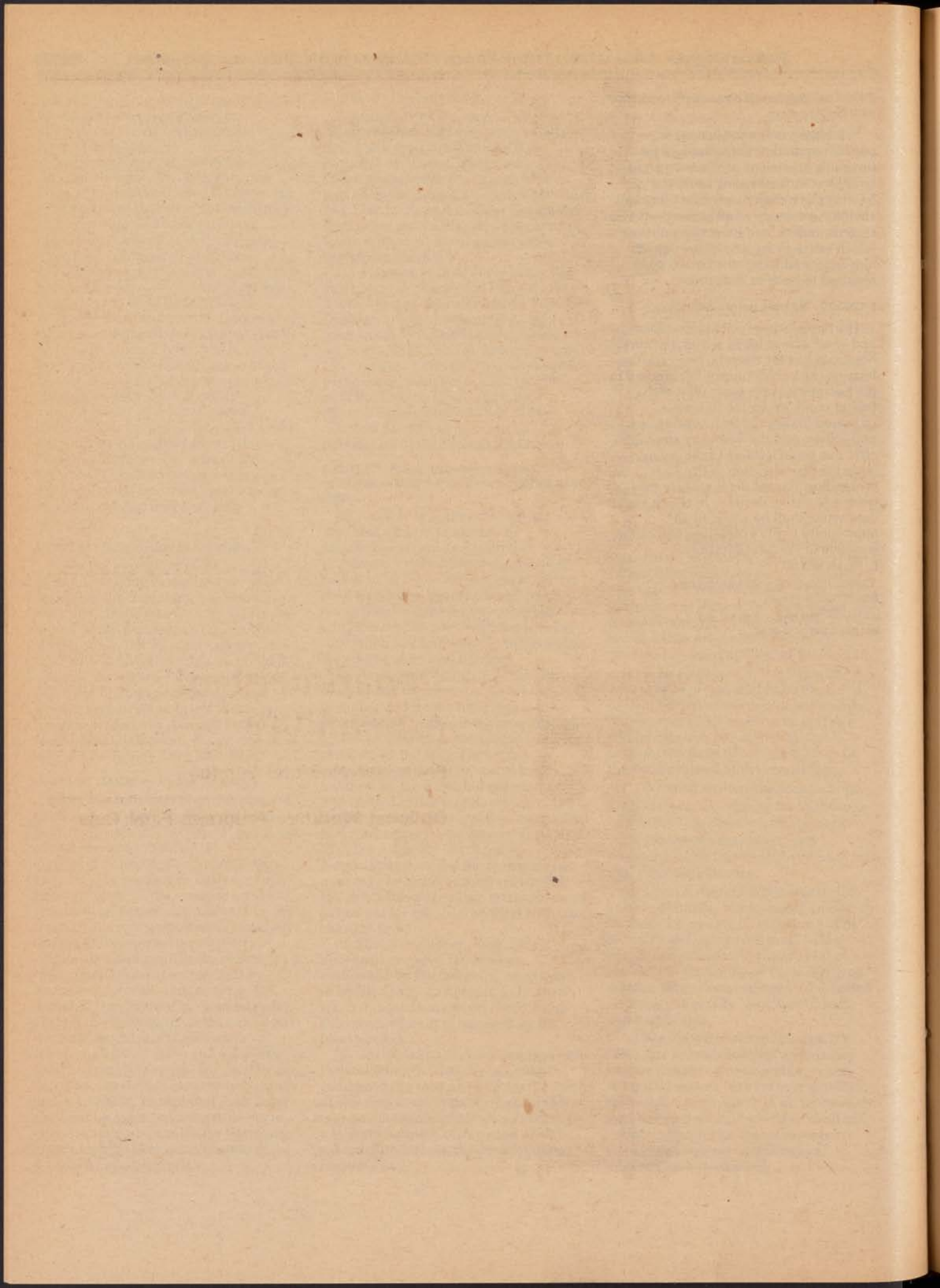
**C. W. McMillan,**

*Assistant Secretary, Marketing and Inspection Services.*

[FR Doc. 82-28012 Filed 10-7-82; 9:17 am]

**BILLING CODE 3410-02-M**







# 42 CFR Part 140

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Friday  
October 8, 1982

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## Part V

### Department of Agriculture

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Food and Nutrition Service

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Optional Workfare Program; Final Rule



## DEPARTMENT OF AGRICULTURE

## Food and Nutrition Service

## 7 CFR Parts 272 and 273

[Amdt. No. 217]

## Optional Workfare Program

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

**SUMMARY:** The Food Stamp and Commodity Distribution Amendments of 1981 (Pub. L. 97-98), enacted on December 22, 1981, provide the option for any political subdivision, in any State, to establish a workfare program as a component of the Food Stamp Program. The objective of this final rule is to permit those State agencies or political subdivisions choosing to establish a workfare program to do so for eligible food stamp recipients. Workfare-eligible recipients would be assigned to public service work in return for the household's food stamp allotment. The work would be valued at a rate equivalent to the greater of the Federal or State minimum wage. The Food Stamp Act Amendments of 1982 (Pub. L. 97-253), enacted on September 8, 1982, made certain changes in the law. Those changes which did not leave any discretion to the Department have been incorporated into this rule.

**EFFECTIVE DATE:** This rule is effective on November 8, 1982.

**FOR FURTHER INFORMATION CONTACT:**

Questions regarding this proposed rulemaking should be directed to Thomas O'Connor, Supervisor, Policy and Regulations Section, Programs Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia, 22302 or by telephone at (703) 756-3429.

**SUPPLEMENTARY INFORMATION:****Paperwork Reduction Act**

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting and recordkeeping provisions that are included in this final rule have been approved by the Office of Management and Budget (OMB). (OMB approval No. 0584-0285).

**Classification**

**Executive Order.** This rule has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512-1, and has been classified "not major". The rule will not have an annual effect on the economy of \$100 million or more, nor will it likely result in a major increase in costs or prices for

consumers, individual industries, Federal, State or local government agencies or geographic regions. Because this rule will not affect the business community, it will not result in significant adverse effects on competition, employment, investment, productivity, or innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

**Regulatory Flexibility Act.** This final rule has also been reviewed with regard to the requirements of Pub. L. 96-354. Samuel J. Cornelius, Administrator of the Food and Nutrition Service has certified that the rule will not have a significant economic impact on a substantial number of small entities. The rule will implement those provisions of Section 1333 of Pub. L. 97-98, the Food Stamp and Commodity Distribution Amendments of 1981, which require the establishment of an optional workfare program. State and local welfare agencies will be affected to the extent that they are involved in administering the workfare program. Political subdivisions will also be affected if they choose to administer a workfare program. Those most affected will be individuals participating in the Food Stamp Program who live in an area operating a workfare program and meet the eligibility requirements for participating in such a program.

**Introduction**

On June 8, 1982, the Department issued proposed regulations (47 FR 24968) to implement Section 1333 of the Food Stamp and Commodity Distribution Amendments of 1981 (Pub. L. 97-98) which provided for the establishment of workfare programs at the option of political subdivisions. The Department received a total of 94 comment letters from State welfare agencies, State employment services, local agencies, FNS Regional Offices, another Federal agency, public interest groups, and individuals. This preamble discusses changes made in the final rule which result from comments received. We have also clarified several points where commenters expressed confusion. Most comments which request changes contrary to the legislation are not discussed in the preamble. The rationale contained in the June 8 proposed rule should be regarded as the basis for the final rule, where the rule is unchanged.

We would also like to point out that the workfare concept has also been adopted into law for the Aid to Families with Dependent Children Program (AFDC) (Pub. L. 97-35). The Department of Health and Human Services issued

final regulations for the Community Work Experience Program (CWEP) on February 5, 1982 (45 CFR Part 238). This program is optional for State agencies and permits the establishment of a workfare requirement for eligible AFDC recipients.

**Voluntary Workfare**

The Department received a number of comments noting that another available option, per legislative history (S. Rep. No. 97-290, 97th Cong., 1st Sess., p. 228 (1981)), was the establishment of a workfare program where participation is voluntary for the recipients. The Department recognizes that this may have been intended by Congress as an option to be offered to State agencies and political subdivisions, and has revised the rule accordingly. However, the Department is concerned about the cost effectiveness of such programs. The Department will not approve plans which do not show that the benefits of establishing the workfare program, in terms of hours worked by participants and reduced food stamp allotments due to successful job attainment, are expected to exceed the costs of establishing such a program. In addition, if the Department finds that an approved voluntary program is too costly for the number of participants it is serving, the Department reserves the right to withdraw approval.

An additional option which several commenters thought was available, per the statutory language, was that participants had a choice between workfare and job search in all workfare programs. The Department does not agree that this was intended by the statute. It is provided in the legislative history that, "to the extent that workfare and job search requirements conflict, job search activities should take precedence" (H.R. Rep. No. 97-106, 97th Cong., 1st Sess., p. 168 (1981)). This infers that both obligations may exist concurrently. In addition, the weekly limit on workfare hours is intended to assure that time remain for job search activities.

**Program Administration**

Seventeen commenters thought that political subdivisions should be further defined to facilitate program administration and prevent areas like water districts and school districts from submitting plans. Fourteen of these commenters thought it should be limited to areas administering the Food Stamp Program. Many of these fourteen cited the House Committee Report (H.R. Report No. 97-106, page 57) to support their position. The Department has



chosen not to amend the rule to limit eligible political subdivisions. The Department thinks Congress was clear, by not limiting the definition of political subdivision in the statute, conference report (S. Report No. 97-290, pages 226-228), or any other portion of the House Committee Report, that any political subdivision should be permitted to submit a plan. Limiting eligibility to those political subdivisions which administer the Food Stamp Program would preclude any county or city in a State which administers the Food Stamp Program from implementing workfare. For example, if a State agency administers the Food Stamp Program and a city chooses to implement workfare, the city would not be able to do so. The Department does not believe this was Congress' intention.

The proposed rule stated that State agencies would act as authorized agents for FNS by being responsible for ensuring compliance by workfare programs with the workfare regulations and for disbursing funds to workfare programs. Thirteen commenters, three of which were State agencies, thought FNS should be responsible for the monitoring of workfare programs since no mention of State agency involvement was provided in the statute. One State agency commented in favor of our proposal. In light of these comments, the Department has reexamined this issue and made the following change. State agencies will now have the option of assuming the responsibility of monitoring and ensuring compliance of workfare programs. However, there will not be an option regarding the disbursing of Federal funds. Federal funding will continue to go through the State agency Letter of Credit, as provided in the proposed rule, and disbursed to workfare programs by the State agency.

Three other State agencies commented that FNS should fund any activities undertaken by State agencies in the role of authorized agents at 100 percent instead of the regular 50 percent rate. Since the Department is leaving this role as an option, the Federal participation will remain at 50 percent.

#### State Agency Policy Decisions

Upon review of comments, the Department has decided that certain policy decisions, not specified by the statute or legislative history, should be left to the State agencies. This is consistent with this Administration's policy of enhancing State flexibility. These decisions are in the areas of reimbursable expenses to participants, good cause, and application of sanctions to households which split into two or

more households. The State agency may, by not taking any action, use the policy established in this rule for those three areas. On the other hand, the State agency may submit for approval to FNS its policy in any or all of these areas. These policies will be approved according to their compliance with the workfare statute and legislative history. Consequently, transportation, which is reimbursable according to the statute, shall be integrated into the State policy on reimbursable expenses. Likewise, the cost of meals away from home is not reimbursable, as provided in the conference report (Senate Report No. 97-290, page 228). Upon obtaining approval of a policy by FNS, all workfare programs within that State shall operate according to that policy. Until that approval is obtained, the Federal policy provided in this rule shall apply. The rule has been amended accordingly.

#### Participant Reimbursement

Several respondents commented that the cost of child care should be included as a reimbursable cost to the participant if it is necessary to meet the workfare obligation and two other commenters requested clarification on the treatment of child care. This cost was intended to be reimbursable by the proposed rule as a cost "reasonably necessary and directly related to participation in the program."

This has been clarified in the final rule through specific identification of child care as a reimbursable cost. It should be noted, however, that child care which has been reimbursed cannot be used to determine the amount of the child care deduction in determining household benefits. This has also been added to the rule.

A number of commenters discussed the \$25 limit on reimbursements per participant per month. Most of these thought this amount was not sufficient to cover expenses. Two commenters thought the amount would lead to prohibitive expenses for local agencies. The \$25 is, however, a statutory requirement and has not been revised. Four other respondents commented that this limit is only on the amount that FNS would share; there is no limit on how much may be reimbursed to the participant. This is a correct interpretation which was intended by the Department and has been clarified in the rule. Reimbursing costs which exceed \$25 per participant per month is a local option and a local expense.

One respondent, citing the House Committee Report (H.R. Rep. No. 97-106, p. 167), commented that it was Congress' intention that participants be

reimbursed for all actual costs of transportation plus up to \$25 per participant per month for other work-related expenses. However, the statutory language and the more recent Conference Report (S. Rep. No. 97-290, p. 228) indicate that all work-related reimbursements, including transportation, be considered in the \$25 per participant per month limit. In addition, this statutory provision was designed after the identical CWEP regulatory provision which includes transportation in the \$25 limit. Consequently, the Department has not amended this provision.

#### Sanctions

Many comments were received on the sanctions policy. Some respondents requested statutory changes which cannot be made here. Several requested clarification on how sanctions would be imposed in specific situations. As a result of these requests, a few additions have been made to the rule. The first clarification addresses when the sanction for noncomplying households begins. For those households still participating in the program, the disqualification shall begin the first possible month that the sanction can be placed. For those households no longer participating in the program, the disqualification shall begin whenever the household returns to the program. Consequently, if a household leaves the food stamp program before the sanction can be levied, the sanction will pend until the household returns to the program. Once the sanction begins, however, it runs through to its conclusion regardless of the household's status.

The regulations have also been amended to clarify that a two month sanction is levied for each month that a household is certified for food stamps while not complying with workfare requirements. In other words, if a household did not comply for two consecutive months without having good cause (which may occur due to the timing of obligations), then the household would be sanctioned for four consecutive months (two months of noncompliance times two month sanctions). The State agency will inform the household of the penalty for failure to comply at the time the household is informed of the nature of the workfare program.

The third clarification made is in the situation where a household to be sanctioned splits into two or more households. The workfare sanction is to be applied to all household members. Even though a household splits, each



individual member will still be subject to disqualification. Consequently, if one household member leaves the household and the program, the remaining household members would be ineligible to receive benefits for the sanction period. In cases where only part of the original household is still participating in the program, the disqualification period will begin for all of the members once the sanction can be levied against any one. Upon completion of the sanction period, all of the original household members would again be eligible to receive benefits. If a departing household member has joined another food stamp household, that member would be ineligible to participate for the sanction period. When determining eligibility and allotment, the individual will not be included in the household's size. However, all of that member's income and resources would be included in determining the new household's benefits. Applying the sanctions in this manner ensures that the whole household, as it existed during the time of noncompliance, is penalized, just as it would have been if the household did not separate. To permit the remaining household members to avoid the penalty, by only applying it to the noncomplying member, would encourage household breakup. The Department believes this was not Congress' intent and should be avoided.

#### Unemployment Insurance Recipients

Seven commenters indicated that Unemployment Insurance (UI) recipients should be exempt from workfare since they are required in most States to be available for work 40 hours a week. The commenters suggested that by being involved in workfare, the UI recipients risk losing their UI benefits. This provision is a statutory provision and as such cannot be changed. It is clear, however, that workfare assignments are secondary to finding regular employment. If a workfare participant is notified of a job interview to attend in order to comply with UI requirements, that interview would take precedence over the workfare assignment. The Department has clarified this in the final rule. One commenter noted that the intent of the legislation is that UI applicants as well as UI recipients be subject to workfare. The Department agrees and the rule has been changed accordingly.

#### Prime Designee

Five respondents requested that the prime designee concept from the Food Stamp Workfare Demonstration Projects be incorporated into the rule. The prime

designee is the one individual in a household who is workfare eligible and designated by the household as being responsible for the workfare obligation. If a household has more than one household member eligible for workfare, only the one designated by the household would be referred to the operating agency as being available to work. If that "prime designee" fails to comply with the workfare obligation, it would be the household's responsibility to have one of the other workfare eligible household members report to the operating agency for assignment. Otherwise, the household will be sanctioned.

The Department has not added the prime designee concept to the rule. The Department cannot restrict all those State agencies and political subdivisions wishing to operate a workfare program by requiring the establishment of such a system. However, there is nothing in this rule that precludes an operating agency from establishing a prime designee system for their program.

#### Good Cause

A number of additions to good cause reasons were requested by commenters. One was that reference to "adequate" child care be made, in the already existing provision that lack of child care for any children in a household between the ages of six and twelve is good cause for noncompliance by the parent or caretaker. Commenters noted that adequate child care is used in the CWEP regulations in reference to children between the ages of three and six. The Department agrees that this should be a concern and has adopted the CWEP provision by changing the rule accordingly. Commenters also requested that where work expenses exceed the amount reimbursed by the operating agency, good cause exists for noncompliance. Since the Department agrees that it was the intention of the legislation that participants not be required to spend their scarce resources to participate in workfare, this provision has been added to the rule. This is also consistent with the CWEP regulations which do not permit AFDC recipients to be required to participate in CWEP without being reimbursed for work expenses. Ten commenters requested that inappropriate work assignments be considered good cause for noncompliance. The Department has not added this to the rule because the decision of what is appropriate work for those able to work is a decision that should be left with the operating agency. Paragraph (f)(2)(iii) already considers specific work assignments unsuitable for participants that demonstrate that they

are physically or mentally unfit to perform that work.

#### Regular Worker Protections

Fourteen commenters expressed concern that paragraph (f)(2)(viii) did not provide sufficient protection against the displacement of regular workers. The complaint was that a public agency could easily prove that insufficient funds were available to sustain staff levels and thus continue to use workfare participants although regular workers would have been accommodated were workfare participants not available. The commenters requested deletion of the phrase which permits the use of workfare participants to fill vacancies when proof of insufficient funds can be provided. The Department has chosen not to remove the phrase because there may indeed be instances where use of workfare participants to fill certain vacancies would be valid due to funding limitations precluding the filling of those positions. However, since displacement of regular workers is a statutory prohibition, this will be monitored closely.

#### Grievance Procedure

Twelve respondents commented that grievance procedures should be established and maintained for workfare participants in addition to the already existing fair hearing process. While such a system is already established in the State agency for various recipient complaints and the Department is sure that most operating agencies would have chosen to establish such a system, the Department has incorporated a provision in this rule allowing the establishment of a grievance procedure by the operating agency. The Department believes that such a procedure will help avoid an increase in the fair hearing burden. It will permit workfare participants to raise to the operating agency complaints regarding their working conditions or perceived noncompliance by job sites with the workfare regulations, and permit the operating agency to resolve those complaints without having to rely on the fair hearing process. However, this grievance procedure does not replace the fair hearing process nor does a workfare participant need to go through the grievance procedure before requesting a fair hearing.

#### Benefits and Working Conditions

Three respondents commented on the equal benefits and working conditions provisions which state that workfare participants should receive equal benefits and working conditions as



those provided to similarly employed individuals. Generally, the commenters thought the provisions would be a deterrent to job site participation due to the expenses and administrative difficulty of meeting them. These are statutory provisions and, consequently, have not been changed. However, the Department did not intend, nor does it think it was the statute's intention that workfare recipients be provided health benefits through the job site's health plan or paid vacations like those received by the paid employees. Workfare participants are not employees in the technical sense. The work performed is done as a condition of eligibility to receive the benefits their household has been certified to receive. The provisions of this rule are intended to ensure that the benefits and working conditions related to the actual work performed, not the employment by a particular agency, and provided to similarly employed individuals doing similar work, are provided to workfare participants. This includes benefits such as worker's compensation and working conditions such as coffee breaks, lunch periods, and personal safety equipment. The determination of what constitutes similarly employed individuals is left to the operating agency.

#### Job Search Period

The proposed rule stated that a job search period of up to 30 days following household certification may be established prior to assigning a recipient to a workfare job. One commenter questioned whether or not the 30-day job search period would be applicable after a household disqualification. The Department has chosen to let this decision remain a local option.

#### Status of Participant While Awaiting Fair Hearing

The proposed rule stated that a household would, if otherwise determined eligible, continue to have a workfare obligation while awaiting the outcome of a fair hearing. One commenter noted that this meant a household claiming an exemption through the fair hearing process would still be required to participate in workfare and face a sanction if it did not comply during those months between the fair hearing request and the fair hearing decision. This is correct. The participant may choose to continue to not comply while awaiting the fair hearing. In such a case, the household would continue to receive benefits. However, if the fair hearing results in an adverse finding, the household will be sanctioned for each month that it was

certified for food stamps while failing to comply with workfare requirements.

#### Notice to Operating Agency

One commenter thought the notice from the State agency to the operating agency should include the hours of obligation and an indication of any part-time employment the potential participant may have. Upon review, the Department did amend the requirements of the notice, though not exactly as the commenter requested. The notice requirements have now been changed to require an indication of any part-time work which will assure that the State agency and operating agency do not receive different reports on the household's work situation. However, only if the State agency is calculating the hours of obligation should the hours be included on the notice. If the operating agency is computing the hours, as permitted in paragraph (d)(2), the monthly allotment will be included.

#### Reporting Requirements

The proposed rule stated that the State agency would submit quarterly reports to FNS, within 45 days of the end of each quarter, which provide certain workfare statistics for that quarter. One State agency and one local agency commented that the 45-day reporting deadline would be impossible to meet. The local agency suggested a 60-day deadline. Since more comments were not received on this issue, the Department did not change this deadline. However, it will review requests for specific waivers submitted by the State agencies. In such a request, the State agency would need to demonstrate why an extension is necessary.

#### Client Confidentiality

One commenter noted that regulations restricting disclosure or use of information obtained from food stamp households were missing. The rule has been amended to reference § 272.1(c) which provides for restrictions on disclosure or use of this information.

#### Round Down Obligation

One respondent commented that there should be a provision to round down hours of obligation if a fraction of an hour is left when making the calculation. The Department has chosen to leave this decision as a local option and has amended the rule to indicate this. Fractions of hours may be rounded down or households may be required to work those fractions. However, in no instance may the number be rounded up since a household may not be required to work more than those hours

determined by dividing the household's allotment by the minimum wage.

#### Federal Liability

The proposed rule stated that the Federal government is not the employer of workfare participants and, consequently, does not assume any liability for injury or death of a workfare participant while on the job. Upon review, the Department recognized that Federal agencies may be job site sponsors and has amended the rule to acknowledge this possibility. However, all Federal agencies would need to check with their own statutory limitations on use of volunteers prior to providing work for workfare participants.

#### Persons Subject To Workfare

In the proposed rule, the Department identified persons subject to workfare by referencing the work registration regulations to identify those subject to work registration and then identifying those additional groups also eligible for workfare. In so doing, the Department failed to include as eligible those parents or other household members responsible for the care of a dependent child between six and twelve. Regulations establishing this group as being subject to the work registration requirement have not yet been issued. Consequently, the Department has amended this rule to conform with the statute by establishing this group as being eligible for workfare.

#### Changes Resulting From Recent Legislation

Changes in the workfare legislation have been made as a result of provisions in the Food Stamp Act Amendments of 1982. The Department has determined that three of those provisions leave no discretion for the Department and, consequently, can be included in this final rule.

**Hours of Workfare.** The maximum number of workfare hours to be required of any participant per week has been raised to 30. The maximum number of hours which may be required including any other hours worked remains at 30 per week.

**Similar Workfare Programs.** A provision which permits the operation of joint workfare/CWEP programs, as well as combining workfare with other workfare-type programs when the Department approves, was included in the legislation. This provision was previously part of the legislative history and the proposed regulations were designed accordingly. Changes have



been made in this final rule to clarify this provision.

**WIN Participants.** The operating agency will now have the option of exempting or not exempting recipients who are " \* \* \* subject to and currently actively and satisfactorily participating" more than 20 hours per week in WIN. If an operating agency chooses not to exempt a WIN participant, the hours of WIN participation will be counted towards the 30 hour per week limit. Recipients who are exempt from workfare as a result of being students enrolled at least half time in training programs other than WIN are not included in this option and may not be subject to workfare.

The Department, upon review of this provision has amended its interpretation indicated in the proposed rule. The Department provided in the proposed rule that CWEP participants be included with WIN participants as being exempt from workfare when participating more than 20 hours per week. However, the recent legislation has made it clear, by referring specifically to WIN participants, that Congress did not intend that CWEP participation be included in the 20 hour limit. Consequently, the rule has been amended so that involvement in CWEP for more than 20 hours is not grounds for an exemption. However, the 30 hour per week limit on hours of work per week will still be applicable to joint CWEP and workfare participation.

#### Conforming Amendments

According to these regulations, if an individual fails to comply with the workfare requirements, without good cause, the State agency must disqualify the entire household. The Department is making conforming amendments, in four different areas, to implement this policy.

The first conforming amendment, at 7 CFR 273.1(b)(6), includes these household members in the definition of "disqualified individuals". The second conforming amendment, at 7 CFR 273.8(j) requires the State agency to count the disqualified individual's resources when determining the household's eligibility. The third conforming amendment, at 7 CFR 273.9(b)(3), requires the State agency to count the disqualified individual's entire income in determining the household's eligibility and calculating its allotment. The fourth conforming amendment, at 7 CFR 273.11c, restates the procedures for handling resources and income which are required by 7 CFR 273.22(f)(6)(iii).

#### Implementation

This rule is effective November 8, 1982. Workfare programs may be

implemented after this date provided FNS has approved the workfare plan. Workfare plans may be submitted for approval prior to this date.

#### List of Subjects

##### 7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant program—social programs, Reporting and recordkeeping requirements.

##### 7 CFR Part 273

Administrative practice and procedure, Aliens, Claims, Food stamps, Fraud, Grant programs—social programs, Penalties, Reporting and recordkeeping requirements, Social security, Students.

Accordingly, 7 CFR Parts 272 and 273 are being amended as follows:

#### PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. A new paragraph (42) is added to § 272.1(g) as follows:

##### § 272.1 General terms and conditions.

(g) *Implementation.* \* \* \*

(42) *Amendment 217.* The regulations concerning the optional workfare program contained in Amendment 217 shall be in effect November 8, 1982. Workfare programs may be implemented after this date provided FNS has approved the workfare plan.

2. In § 272.2, a new sentence is added to the end of paragraph (a)(2) to read as follows:

##### § 272.2 Plan of operation.

(a) *General Purpose and Content.* \* \* \*

(2) *Content.* \* \* \* The Workfare Plan is also considered part of the State Plan of Operation, but is submitted separately as prescribed under § 273.22.

#### PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

3. In § 273.1, paragraph (b)(6) is revised to read as follows:

##### § 273.1 Household concept.

(b) *Nonhousehold members.* \* \* \*

(6) *Disqualified individuals.* Individuals disqualified for fraud, as set forth in § 273.16, for failure to provide an SSN, as set forth in § 273.6, or for failure to comply with workfare requirements, as set forth in § 273.22.

4. In § 273.8, paragraph (j) is revised to read as follows:

##### § 273.8 Resource eligibility standards.

(j) *Resources of nonhousehold members.* The resources of nonhousehold members, defined in § 273.1(b), shall not be counted as available to the household unless the member is:

(1) Disqualified from the program for fraud, in accordance with § 273.16;

(2) Disqualified from the program for failing to comply with the requirement to provide an SSN in accordance with § 273.6;

(3) Disqualified from the program for failing to comply with workfare requirements in accordance with § 273.22; or

(4) An ineligible alien in accordance with § 273.4 who would be considered a household member if not for his or her ineligible alien status.

5. In § 273.9, a new sentence is added to paragraph (b)(3) to read as follows:

##### § 273.9 Income and deductions.

(b) *Definition of income.* \* \* \*

(3) \* \* \* The earned or unearned income of an individual disqualified from the household for failing to comply with workfare requirements, in accordance with § 273.22, shall continue to be attributed in their entirety to the remaining household members.

6. In § 273.11, paragraph (c) is revised to read as follows:

##### § 273.11 Action on households with special circumstances.

(c) *Treatment of income and resources of disqualified members.* Individual household members may be disqualified for failing to comply with workfare requirements, for fraud, for refusal to obtain or to provide an SSN, or for being an ineligible alien. During the period of time that such household members are ineligible, the eligibility and benefit level of any remaining household members shall be determined in accordance with the procedures outlined in this section.

(1) *Disqualification for failing to comply with workfare requirements.* The eligibility and benefit level of a household which contains an individual who is disqualified for this reason shall be determined as follows:

(i) *Income, resources, and deductible expenses.* The income and resources of the disqualified member shall continue to count in their entirety, and the entire household's allowable earned income, standard, medical, dependent care, and excess shelter deductions shall continue



to apply to the remaining household members.

(ii) *Eligibility and benefit level.* The disqualified member shall not be included when determining the household's size for the purposes of assigning a benefit level to the household or of comparing the household's monthly income with the income eligibility standards. The State agency shall ensure that no household's coupon allotment is increased as a result of the disqualification of one or more household members.

(2) *Disqualification for other causes.* The eligibility and benefit level of any remaining household members of a household containing individuals disqualified for fraud, for refusal to obtain or to provide an SSN, or for being an ineligible alien shall be determined as follows:

(i) *Resource.* The resources of such disqualified members shall continue to count in their entirety to the remaining household members.

(ii) *Income.* A pro rata share of the income of such disqualified members shall be counted as income to the remaining members. This pro rata share is calculated by first subtracting the allowable exclusions from the disqualified member's income and dividing the income evenly among the household members, including the disqualified members. All but the disqualified members' share is counted as a deductible shelter expense for the remaining household members.

(iii) *Deductible expenses.* The 18 percent earned income deduction shall apply to the prorated income earned by such disqualified members which is attributed to their households. That portion of the households' allowable shelter and dependent care expenses which are either paid by or billed to the disqualified members shall be divided evenly among the households' members, including the disqualified members. All but the disqualified members' share is counted as a deductible shelter expense for the remaining household members.

(iv) *Eligibility and benefit level.* Such disqualified members shall not be included when determining their households' sizes for purposes of assigning a benefit level to the households or for purposes of comparing the households' monthly incomes with the income eligibility standards.

(3) *Reduction or termination of benefits within the certification period.* Whenever an individual is disqualified within the household's certification period, the State agency shall determine the eligibility or ineligibility of the remaining household members based, as

much as possible, on information in the case file.

(i) *Fraud disqualification.* If a household's benefits are reduced or terminated within the certification period because one of its members had been disqualified for fraud, the State agency shall notify the remaining members of their eligibility and benefit level at the same time the disqualified member is notified of his or her disqualification. The household is not entitled to a notice of adverse action but may request a fair hearing to contest the reduction or termination of benefits.

(ii) *Disqualification for other causes.* If a household's benefits are reduced or terminated within the certification period because one or more of its members failed to comply with workfare's requirements, refused to obtain or provide an SSN, or is an ineligible alien, the State agency shall issue a notice of adverse action in accordance with § 273.13(a)(2) which informs the household of the disqualification, the reason for the disqualification, the eligibility and benefit level of the remaining members, and the actions the household must take to end the disqualification.

\* \* \* \* \*

7. A new § 273.22 is added to read as follows:

**§ 273.22 Optional workfare program.**

(a) *General.* This section contains rules which are to be followed in operating a Food Stamp Workfare Program. Under this program, nonexempt food stamp recipients may be required to perform work in a public service capacity as a condition of eligibility to receive the coupon allotment to which their household is normally entitled. The primary goal of workfare is to improve employability and enable individuals to move into regular employment.

(b) *Program Administration.* (1) Any State food stamp agency or other political subdivision in any State choosing to establish and operate a workfare program must submit for FNS approval a workfare plan in accordance with the requirements of this section. For the purpose of this section, a political subdivision is any local government, including, but not limited to, any county, city, town or parish. A State agency may implement a workfare program statewide or in only some areas of the State. The areas of operation must be identified in the State workfare plan.

(2) Political subdivisions are encouraged, but not required, to submit their plans to FNS through their respective State agencies. At a minimum, however, plans shall be

submitted to the State agencies concurrent with their submission to FNS. Workfare plans and subsequent amendments shall not be implemented prior to their approval by FNS.

(3) When a State agency chooses to sponsor a workfare program by submitting a plan to FNS, it shall append the approved plan to its State Plan of Operations. When a political subdivision chooses to sponsor a workfare program by submitting a plan to FNS, the State agency shall be responsible as a facilitator in the administration of the program by disbursing Federal funding and meeting the requirements identified in paragraph (d) of this section. Upon notification that FNS has approved a workfare plan submitted by a political subdivision in its State, the State agency shall incorporate that political subdivision's workfare plan into its own State Plan of Operations.

(4) The operating agency is that administrative organization which has been identified in the workfare plan as being responsible for establishing job sites, assigning eligible recipients to the job sites, and meeting the requirements of this section. The operating agency may be any public or private, nonprofit organization. The State agency or political subdivision which submitted the workfare plan shall be responsible for monitoring the operating agency's compliance with the requirements of this section or of the workfare plan. The Secretary may suspend or terminate some or all workfare program funding, or withdraw approval of the workfare program from the State agency or political subdivision which submitted the workfare plan upon finding that that State agency or political subdivision, or their respective operating agencies have failed to comply with the requirements of this section or of the workfare plan.

(5) State agencies or other political subdivisions shall describe in detail in the plan how the political subdivision, working with the State agency and any other cooperating agencies that may be involved in the program, shall fulfill the provisions of this section. The plan shall include workload projections, staffing plans, interagency communication plans, and specific operational agreements developed by the agencies involved. The plan shall be a one-time submittal, with amendments submitted as needed to cover any changes in the workfare program as they occur.

(6) State agencies or political subdivisions submitting a workfare plan shall submit with the plan an operating budget covering the period from the initiation of the workfare program's



implementation schedule to the close of the Federal fiscal year. In addition, an estimate of the cost for one full year of operations shall be submitted together with the workfare plan. For subsequent fiscal years, the workfare program budget shall be included in the State agency's budget.

(7) If workfare plans are submitted by more than one political subdivision, each representing the same population (such as a city within a county), the Department shall determine which political subdivision will have its plan approved. Under no circumstances shall a food stamp recipient be subject to more than one food stamp workfare program. If a political subdivision chooses to operate a workfare program and represents a population which is already, at least in part, subject to a food stamp workfare program administered by another political subdivision, it must establish in its workfare plan how food stamp recipients will not be subject to more than one food stamp workfare program.

(c) *Operating Agency Responsibilities.* (1) The operating agency, as designated by the State agency or other political subdivision which submits a plan, shall be responsible for establishing and monitoring job sites, interviewing and assessing eligible recipients, assigning eligible recipients to appropriate job sites, monitoring participant compliance, making initial determinations of good cause for household noncompliance, and otherwise meeting the requirements of this section.

(2) *Establishment of Job Sites.* Workfare job slots may only be located in public or private, nonprofit agencies. Contractual agreements must be established between the operating agency and organizations providing jobs which include but are not limited to designation of the slots available and designation of responsibility for provision of benefits, if any are required, to the workfare participant.

(3) *Notifying State Agency of Noncompliance.* The operating agency shall notify the State agency of noncompliance by a household with a workfare obligation when it has determined that the household did not have good cause for the non-compliance. This notification shall occur within five days of such determination so that the State agency may make a final determination as provided in paragraph (d)(4) of this section.

(4) *Notifications.* Notices shall be established to be used as follows:

(i) For the State agency to notify the operating agency of workfare-eligible households. Included in this notice shall

be the case name, case number, names of workfare-eligible household members, address of the household, certification period, and indication of any part-time work. If the State agency is calculating the hours of obligation, this shall also be included in this notice. If the operating agency is computing the hours to be worked, the monthly allotment shall be included.

(ii) For operating agencies to notify the workfare participant of where and when the participant is to report, to whom the participant is to report, a brief description of duties for the particular placement, and the number of hours to be worked.

(iii) For operating agencies to notify the State agency of failure by a household to meet its workfare obligation.

(5) *Recordkeeping Requirements.*

(i) Files must be maintained which record activity by workfare participants. At a minimum, these records must contain job sites and hours assigned, hours completed, and communications with the State agency and job sites.

(ii) Program records shall be maintained in an orderly fashion, for audit and review purposes, for a period of 3 years from the month of origin of each record. Fiscal records and accountable documents shall be retained for 3 years from the date of fiscal or administrative closure of the workfare program. Fiscal closure, as used in this paragraph, means that workfare program obligations for or against the Federal government have been liquidated. Administrative closure, as used in this paragraph, means that the operating agency or Federal government has determined and documented that no further action to liquidate the workfare program obligation is appropriate. Fiscal records and accountable records shall be kept in a manner which will permit verification of direct monthly reimbursements to recipients, in accordance with paragraph (f)(4) of this section.

(6) *Reporting Requirements.* The operating agency shall be responsible for providing information needed by the State agency to fulfill the reporting requirements stated in paragraph (d)(6) of this section.

(7) *Disclosure.* The provision of § 272.1(c) restricting the use and disclosure of information obtained from food stamp households shall be applicable to the administration of the workfare program.

(8) *Grievance Procedures.* The operating agency may establish a system for handling complaints filed by workfare participants regarding their working conditions, perceived

noncompliance by job sites with the provisions of this section, or any other area related to their workfare participation. This procedure need not handle complaints that can be pursued through a fair hearing nor may choosing not to use this procedure preclude a participant from requesting a fair hearing. If established, a description of this system shall be included in the workfare plan. Complaints which have not been resolved through this system and those against the operating agency shall be forwarded to the State agency and handled by the State agency according to the provisions of § 271.6. Workfare participants shall be informed of the grievance procedure.

(d) *State Agency Responsibilities.* (1) If a political subdivision chooses to operate a workfare program, the State agency shall cooperate with the political subdivision in developing a plan. This includes providing caseload and cost estimates, as well as being available for consultation on the design of the administrative structure and interagency communications for the program. The State agency may decide what its workfare policy shall be in three areas. They are the definition of reimbursable expenses, the definition of good cause, and the sanctioning of members of divided households (paragraphs (f)(4), (f)(5), and (f)(6)(ii) of this section, respectively). The State agency may either accept the policies contained in these paragraphs or determine its own policies, subject to the requirements of section 20 of the Food Stamp Act of 1977, as amended, and the approval of FNS. Until the Food and Nutrition Service approves any alternate policies of the State agency, the provisions of paragraphs (f)(4), (f)(5), and (f)(6)(ii) of this section shall apply.

(2) The State agency shall determine at certification or recertification which household members are eligible for the workfare program and inform the household representative of the nature of the program and of the penalties for noncompliance. If the State agency is not the operating agency, each member of a household who is subject to workfare under paragraph (e)(1) of this section shall be referred to the organization which is the operating agency. The information identified in paragraph (c)(4)(i) of this section shall be forwarded to the operating agency within 5 days after the date of household certification. Computation of hours to be worked may be delegated to the operating agency.

(3) The State agency shall inform the household and the operating agency of the effect of any changes in a



household's circumstances on the household's workfare obligation. This includes changes in benefit levels or workfare eligibility.

(4) Upon notification by the operating agency that a participant has failed to comply with the workfare requirement without good cause, the State agency shall make a final determination as to whether or not such failure occurred and whether there was good cause for any such failure. If the State agency determines that the participant did not have good cause for noncompliance, a sanction shall be processed as provided in paragraph (f)(6) of this section. The State agency shall immediately inform the operating agency of the months during which the sanction shall apply.

(5) Recordkeeping Requirements. The State agency shall maintain in each household's casefile all workfare-related forms used by the State agency in meeting the requirements of this section.

(6) Reporting Requirements. The State agency shall submit quarterly reports to FNS within 45 days of the end of each quarter identifying for that quarter for that State:

(i) The number of households referred to the operating agency as containing workfare-eligible recipients. A household shall be counted as referred each time it is referred to the operating agency.

(ii) The number of households assigned to jobs each month by the operating agency.

(iii) The number of individuals assigned to jobs each month by the operating agency.

(iv) The total number of hours worked by participants.

(v) The number of households against which sanctions were applied. A household being sanctioned over two quarters should only be reported as sanctioned for the earlier quarter.

(7) State Agency Monitoring. The State agency may, at its option, assume responsibility for monitoring all workfare programs in its State to assure that there is compliance with this section and with the plan submitted and approved by FNS. Should the State agency assume this responsibility, it would act as agent for FNS which is ultimately responsible for ensuring such compliance. Should the State agency determine that noncompliance exists, it may withhold funding until compliance is achieved or FNS directs otherwise. FNS shall be notified prior to the withholding of funds of the circumstances leading to that action. At a minimum, the State agency shall perform onsite reviews of each workfare program once within six months of the program's implementation and then in

accordance with the Management Evaluation review schedule for that program area.

(e) *Household Responsibilities.* (1) Persons Subject to Workfare. Household members subject to the work registration requirements as provided in § 273.7(a) shall also be subject to the workfare requirements. In addition:

(i) Those recipients subject to and currently involved less than 20 hours a week in the work incentive program (WIN) under Title IV of the Social Security Act shall be subject to workfare. Those recipients involved more than 20 hours a week may be subject to workfare at the option of the political subdivision;

(ii) Those recipients exempt from work registration requirements due to the application for or receipt of unemployment compensation shall be subject to workfare requirements; and

(iii) Those recipients exempt from work registration requirements due to being a parent or other household member responsible for the care of a dependent child between the ages of six and twelve shall be subject to workfare requirements. If the child has its sixth birthday within a certification period, the individual responsible for the care of the child shall be subject to the workfare requirement as part of the next scheduled recertification process, unless the individual qualifies for another exemption.

(2) *Household Obligation.* The maximum total number of hours of work required of a household each month shall be determined by dividing the household's coupon allotment by the Federal or State minimum wage, whichever is higher. Fractions of hours of obligation may be rounded down. The household's hours of obligation for any given month may not be carried over into another month except when the household wishes to end a disqualification due to noncompliance with workfare in accordance with paragraph (f)(8) of this section.

(f) *Other Program Requirements.* (1) *Priority Placements.* The State agency or political subdivision submitting the plan shall indicate in the plan how it will determine priority for placement at job sites when the number of eligible participants is greater than the number of available positions at job sites.

(2) *Conditions of Employment.* (i) Recipients may be required to work up to, but not to exceed, 30 hours per week. In addition, the total number of hours worked by a recipient under workfare together with any other hours worked in any other compensated capacity, including hours of participation in a WIN training program, by such recipient

on a regular or predictable part-time basis, shall not exceed thirty hours a week. With the recipient's consent, the hours to be worked may be scheduled in such a manner that more than thirty hours are worked in one week, as long as the total for that month does not exceed the weekly average of thirty hours a week.

(ii) No participant shall be required to work more than eight hours on any given day, except that with the recipient's consent, more than eight hours may be scheduled.

(iii) No participant shall be required to accept an offer of workfare employment if such employment fails to meet the criteria established in § 273.7(i)(1) (iii) and (iv); and § 273.7(i)(2) (i), (ii), (iv), and (v).

(iv) If the workfare participant is unable to report for job scheduling, to appear for scheduled workfare employment, or to complete the entire workfare obligation due to compliance with Unemployment Insurance requirements, the additional work requirements established in § 273.7(e)(1), (2), (3), or (4), or the job search requirements established in § 273.7(f), such inability shall not be considered a refusal to accept workfare employment. If the workfare participant informs the operating agency of the time conflict, the operating agency shall, if possible, reschedule the missed activity. If such rescheduling cannot be completed before the end of the month, this shall not be cause for disqualification.

(v) The operating agency shall assure that all persons employed in workfare jobs receive job-related benefits at the same levels and to the same extent as similar non-workfare employees. These shall be benefits related to the actual work being performed, such as workers' compensation, and not to the employment by a particular agency, such as health benefits. Of those benefits required to be offered, any elective benefit which requires a cash contribution by the participant shall be optional at the discretion of the participant.

(vi) All persons employed in workfare jobs shall be assured by the operating agency of working conditions provided other employees similarly employed.

(vii) The provisions of section 2(a)(3) of the Service Contract Act of 1965 (Pub. L. 89-286), relating to health and safety conditions, shall apply to the workfare program.

(viii) Operating agencies shall not provide work to a workfare participant which has the effect of replacing or preventing the employment of an individual not participating in the



workfare program. Vacancies, due to hiring freezes, terminations, or lay-offs, shall not be filled by a workfare participant unless it can be demonstrated that such vacancies are a result of insufficient funds to sustain former staff levels.

(ix) The workfare jobs shall in no way infringe upon the promotional opportunities which would otherwise be available to regular employees.

(x) Workfare jobs shall not be related in any way to political or partisan activities.

(xi) Workfare assignments should, to the greatest extent possible, take into consideration previous training, experience, and skills of a participant.

(xii) The cost of workers' compensation or comparable protection provided to workfare participants by the State agency, political subdivision, or operating agency is a matchable cost under paragraph (g) of this section.

Whether or not this coverage is provided, in no case is the Federal government the employer in these workfare programs (unless a Federal agency is the job site), and therefore, USDA does not assume liability for any injury to or death of a workfare participant while on the job.

(xiii) The nondiscrimination requirement provided in § 272.7(a) shall apply to all agencies involved in the workfare program.

(3) Job Search Period. The operating agency may establish a job search period of up to 30 days following certification prior to making a workfare assignment during which the potential participant is expected to look for a job. This period may only be established at household certification, not at recertification. The potential participant would not be subject to any job search requirements beyond those required under § 273.7 during this time.

(4) Participant Reimbursement. Participants shall be reimbursed by the operating agency for transportation and other costs that are reasonably necessary and directly related to participation in the program. These other costs may include the cost of child care, or the cost of personal safety items or equipment required for performance of work if these items are also purchased by regular employees. These other costs shall not include the cost of meals away from home. No participant cost which has been reimbursed under a workfare program operated under Title IV of the Social Security Act or any other workfare program shall be reimbursed under the food stamp workfare program. Only reimbursement of participant costs which are up to but not in excess of \$25 per month for any

participant will be subject to Federal cost sharing as provided in paragraph (g)(1) of this section. Child care costs which are reimbursed may not be claimed as expenses and used in calculating the child care deduction for determining household benefits. Pursuant to paragraph (d)(1) of this section, a State agency may decide what its reimbursement policy shall be.

(5) Good Cause. For the purpose of this section, unless a State agency has determined its good cause policy pursuant to paragraph (d)(1) of this section, good cause shall include:

(i) Circumstances beyond a household member's control, such as, but not limited to: Illness; the illness or incapacitation of another household member requiring the presence of the workfare participant; a household emergency; or the lack of transportation when transportation is not provided by the operating agency;

(ii) Necessity for a parent or other responsible household member to care for a child between the age of six and 12 because adequate child care is not otherwise available;

(iii) Becoming exempt from the workfare eligibility requirements under the terms established in paragraph (e)(1) of this section.

(iv) Household moving out of the area of the workfare project.

(v) Instances where cost of transportation and other costs have exceeded \$25 per month and are not being reimbursed by the operating agency.

(6) Failure to Comply. (i) Where a workfare participant has been determined by the State agency to have failed or refused without good cause to comply with the requirements of this section, the entire household shall be ineligible to participate. Such ineligibility shall continue until either the household meets the provisions of paragraph (f)(8) of this section or for 2 consecutive months, whichever occurs earlier. Within 10 days after receiving notification of the household's failure to comply with the requirements of this section, the State agency shall, if it determines that there is not good cause for the noncompliance, provide the household with a notice of adverse action, as specified in § 273.13. Such notification shall contain the proposed period of disqualification and shall specify the terms and conditions on which disqualification can be ended. Information shall also be included with the notification on the procedures and requirements contained in paragraph (f)(8) of this section. The disqualification period shall begin with the first month following the expiration of the adverse

notice period, or following a fair hearing decision if a fair hearing is requested, in which the household would normally have received benefits. A household member shall not be required to perform work at a job site when the household is no longer receiving benefits unless the household has chosen to meet the conditions for ending disqualification specified in paragraph (f)(8) of this section. Until the disqualification is actually invoked, the household, if otherwise eligible, will continue to have a workfare obligation.

(ii) Should a household have two or more consecutive months of noncompliance while being certified for food stamps, the total corresponding months of sanction shall be a cumulative total; that is, two months of noncompliance shall entail a four-month sanction. Should a household which has been determined to be noncompliant without good cause split into more than one household, the sanction shall follow all the members of the household at the time of the noncompliance. None of those household members shall be eligible to participate in the food stamp program for the length of the sanction beginning at the point when the sanction can be placed against any one of them.

(iii) If a sanctioned household member joins another food stamp household, that household's eligibility and benefit level shall be determined as follows:

(A) Income, resources, and deductible expenses. The income and resources of the household member(s) disqualified for noncompliance with workfare shall count in their entirety, and the entire household's allowable earned income, standard, medical, dependent care, and excess shelter deductions shall apply to the remaining household members.

(B) Eligibility and benefit level. An individual disqualified for noncompliance with workfare shall not be included when determining the household's size for the purpose of assigning a benefit level to the household or of comparing the household's monthly income with income eligibility standards. The State agency shall ensure that no household's coupon allotment is increased as a result of the disqualification of one or more household member for workfare noncompliance.

(7) Fair Hearings. Each household has a right to a fair hearing to appeal a denial or termination of benefits due to a State agency determination of failure to comply with the requirements of this section. The fair hearing requirements provided in § 273.15 shall apply. If a fair hearing is scheduled, the operating agency shall be available to participate



in the hearing. The State agency shall provide the operating agency sufficient advance notice to permit the attendance of an operating agency representative.

(8) **Ending Disqualification.** Following the end of the 2-month disqualification period for noncompliance with the workfare provisions of this section, a household may resume participation in the program if it applies again and is determined eligible. Eligibility may be re-established during a disqualification period and the household shall (if it makes application and is determined otherwise eligible) be permitted to resume participation if the member who failed to comply or any other workfare-eligible member of the household satisfies all outstanding workfare obligations. A workfare position shall be made available for a household which wishes to end disqualification in this manner.

(g) **Federal Financial Participation.** (1) Fifty percent of all administrative costs incurred by State agencies or political subdivisions in operating a workfare program shall be funded by the Federal government. Such costs include those related to recipient participation in workfare, up to \$25 per month for any participant, as indicated in paragraph (f)(4) of this section. Such costs shall not include the costs of equipment, capital expenditures, tools or materials used in connection with the work performed by workfare participants, the costs of supervising workfare participants, the costs of reimbursing participants for meals away from home, or reimbursed expenses in excess of \$25 per month for any participant.

(2) **Funding Mechanism.** The State agencies shall have responsibility for disbursing Federal funds used for the workfare program through the State agencies' Letters of Credit. The State agency shall also assure that records are being maintained which support the financial claims being made to FNS.

This will be for all programs, regardless of who submits the plan. Mechanisms for funding local political subdivisions which have submitted plans must be established by the State agencies.

(3) **Fiscal Recordkeeping and Reporting Requirements.** Workfare-related costs shall be identified by the State agency on the Financial Status Report (Form SF-269) as a separate column. All financial records, supporting documents, statistical records, negotiated contracts, and all other records pertinent to workfare program funds shall be maintained in accordance with § 277.12.

(h) **Coordination With Other Workfare-type Programs.** State agencies and political subdivisions may operate workfare programs as provided in this section jointly with a workfare program operated under Title IV of the Social Security Act to the extent that provisions and protections of the statute are maintained or with other workfare programs operated by the subdivision to the extent that the provisions and protections of this section are maintained. Statutory provisions include, but are not limited to, eligible recipients as provided in paragraph (e)(1) of this section, maximum hours of work per week as provided in paragraph (f)(2)(i) of this section and the penalty for noncompliance as provided in paragraph (f)(6)(i) of this section. When a household receives benefits from more than one program with a workfare requirement and the household is determined to have a food stamp workfare obligation, the food stamp obligation may be combined with the obligation from the other program. However, this may be done only to the extent that eligible food stamp workfare participants are not required to work more than 30 hours a week in accordance with paragraph (f)(2)(i) of this section. Any intent to coordinate programs should be described in the

plan. Waivers of provisions in this section, for the purpose of operating workfare jointly with local general assistance workfare-type programs may be requested and provided in accordance with § 272.3(c). Statutory provisions, shall not be waived.

(i) **Voluntary Workfare Program.** State agencies and political subdivisions may operate workfare programs whereby participation by food stamp recipients is voluntary. In such a program, the penalty for failure to comply as provided in paragraph (f)(6) of this section shall not apply for noncompliance. The amount of hours to be worked will be negotiated between the household and the operating agency, though not to exceed the limits provided under paragraph (f)(2) of this section. In addition, all protections provided under paragraph (f)(2) of this section shall continue to apply. Those State agencies and political subdivisions choosing to operate such a program shall indicate in their workfare plan how their staffing will adapt to anticipated and unanticipated levels of participation. The Department will not approve plans which do not show that the benefits of the workfare program, in terms of hours worked by participants and reduced food stamp allotments due to successful job attainment, are expected to exceed the costs of such a program. In addition, if the Department finds that an approved voluntary program does not meet this criteria, the Department reserves the right to withdraw approval.

(91 Stat. 958 (7 U.S.C. 2011-2029), and Sec. 1, Pub. L. 97-98; 95 Stat. 1282 (7 U.S.C. 2012))

(Catalog of Federal Domestic Assistance Program No. 10.551, Food Stamps)

Dated: October 6, 1982.

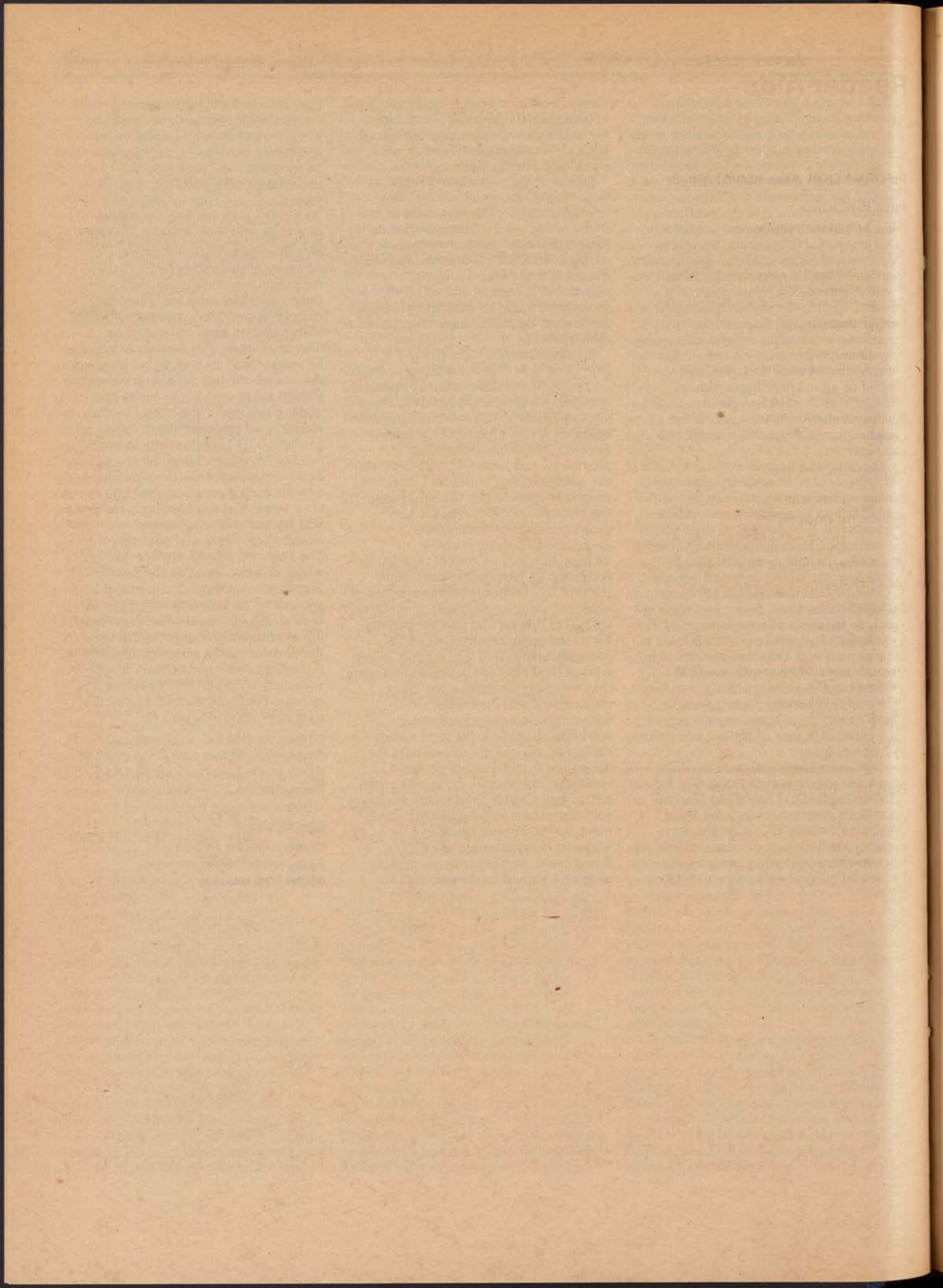
John W. Bode,

Deputy Assistant Secretary.

[FR Doc. 82-28016 Filed 10-7-82; 8:45 am]

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Friday, October 8, 1982

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## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next

work day following the holiday. This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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## List of Public Laws

## Last Listing October 7, 1982

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

**H.J. Res. 568 / Pub. L. 97-281** To provide for the designation of October 5, 1982, as "Dr. Robert H. Goddard Day". (October 5, 1982; 96 Stat. 1212) Price: \$1.75.

**S.J. Res. 174 / Pub. L. 97-282** To authorize and request the President to designate October 16, 1982, as "World Food Day". (October 5, 1982; 96 Stat. 1213) Price: \$1.75.

**S. 2405 / Pub. L. 97-283** To further amend the boundary of the Cibola National Forest to allow an exchange of lands with the city of Albuquerque, New Mexico. (October 5, 1982; 96 Stat. 1215) Price: \$1.75.

**H.R. 486 / Pub. L. 97-284** Authorizing and requesting the President to issue a proclamation designating the period from October 3, 1982, through October 9, 1982, as "National Schoolbus Safety Week of 1982". (October 5, 1982; 96 Stat. 1218) Price: \$1.75.



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